

# The Reporter

2007

Volume 35, Number 1

The Judge Advocate General's Corps



## The Year *in Review*



THE UNITED STATES  
AIR FORCE MEMORIAL

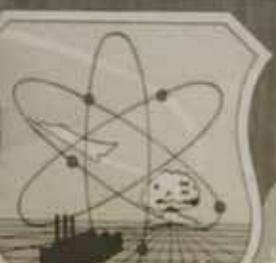
UNITED STATES COURT OF MILITARY APPEALS

# Heritage





N VAGUE  
AG- USAF



# TABLE OF CONTENTS

MESSAGE FROM THE EDITORS .....	IV	JAT .....	65
<b>OUR CORPS</b> .....	I	JAU .....	67
JAG CORPS MISSION AND VISION STATEMENTS .....	2	JAX .....	68
JAG CORPS PRIORITIES AND OBJECTIVES .....	3	Spotlight on Base Legal Office Interns .....	69
PERSPECTIVE OF THE JUDGE ADVOCATE GENERAL .....	5	JAY .....	70
PARALEGAL PERSPECTIVE .....	16	JAZ .....	71
AIR FORCE RESERVE PERSPECTIVE .....	22	FIELD OPERATING AGENCIES .....	73
The First Iraqi Post-Conflict Court-Martial .....	24	AIR FORCE LEGAL OPERATIONS AGENCY .....	73
AIR NATIONAL GUARD PERSPECTIVE .....	27	THE JUDGE ADVOCATE GENERAL'S SCHOOL .....	75
Spotlight on an Air National Guard Member ...	30	Spotlight on the CLE Coordinator .....	76
HERITAGE TO HORIZONS .....	33	JAC .....	77
A Participant's Perspective .....	34	Spotlight on a Reserve Labor Attorney .....	83
Wisdom from Our Heritage .....	36	Spotlight on the Utility Litigation Team .....	84
TJAG ANNUAL AWARD WINNERS .....	38	Spotlight on an Intellectual Property Law Litigator .....	86
JAG CORPS SCHOLARLY ARTICLES AND WRITINGS .....	43	Spotlight on a Senior Defense Counsel .....	89
<b>OUR CONTRIBUTION TO THE FIGHT</b> ....	47	Spotlight on an Instructor/Litigator .....	91
PERSPECTIVE OF THE DIRECTOR, CENTRAL INTELLIGENCE AGENCY .....	48	JAS .....	95
PERSPECTIVE OF A UNITED STATES SENATOR .....	52	Spotlight on an IT Program Manager .....	97
PERSPECTIVE OF THE CHIEF MASTER SERGEANT OF THE AIR FORCE .....	54	OTHER FIELD OPERATING AGENCIES .....	99
THE OFFICE OF THE JUDGE ADVOCATE GENERAL .....	57	Spotlight on an AFOSI Attorney .....	100
JAA .....	58	DIRECT REPORTING UNITS .....	102
JAG .....	60	Spotlight on a VWAP Liaison .....	103
JAH .....	62	MAJOR COMMAND LEGAL OFFICES .....	106
JAO .....	63	AIR COMBAT COMMAND .....	106
Spotlight on a Foreign Exchange Officer .....	64	AIR EDUCATION AND TRAINING COMMAND.....	108
		Spotlight on a MAJCOM Paralegal .....	109
		AIR FORCE MATERIEL COMMAND .....	110
		Spotlight on a Major Systems Program Counsel .....	112
		AIR FORCE RESERVE COMMAND .....	114
		AIR FORCE SPACE COMMAND .....	116
		AIR FORCE SPECIAL OPERATIONS COMMAND .....	117
		Cannon AFB Transition to AFSOC .....	118

*Subscriptions:* Paid subscriptions are available through the Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402. Citation: Cite as [Author], [Title], *The Reporter*, [date], at [page number].

# TABLE OF CONTENTS

<b>AIR MOBILITY COMMAND</b> .....	120	<b>KEYSTONE LEADERSHIP</b>	
Spotlight on the USAF Expeditionary Center .....	121	<b>SUMMIT 2007</b> .....	163
<b>PACIFIC AIR FORCES</b> .....	124	<b>KEYSTONE OVERVIEW</b> .....	164
<b>UNITED STATES AIR FORCES IN EUROPE</b> .....	127	<b>LAWFARE</b> .....	166
		by Maj Gen Charles J. Dunlap, Jr.	
<b>NUMBERED AIR FORCE LEGAL OFFICES</b> .....	128	<b>MY OBSERVATIONS ON LEADERSHIP</b> .....	171
The JAG Corps Supports Presidential		by MG (Ret.) William K. Suter	
Visit to Albania .....	130	<b>SENIOR MILITARY LAWYERS LEADERSHIP PANEL</b> .....	178
12 AF/JA Hosts COJUMA .....	134	<b>AN ENDURING PARTNERSHIP: MILITARY LAWYERS</b>	
		<b>AND THE ABA</b> .....	188
<b>BASE LEGAL OFFICES</b> .....	136	by Ms. Karen J. Mathis	
Spotlight on an ODC Staff Judge Advocate .....	137	<b>THE DELTA OF DEFENSE IN THE 21ST CENTURY</b> .....	191
The JAG Corps Responds to Warren Grove		by Dr. Peter W. Singer	
Range Fire .....	138	<b>SENIOR ENLISTED PANEL</b> .....	196
Spotlight on a Base Office Paralegal .....	141	<b>THE GLOBAL WAR ON TERRORISM</b> .....	203
Spotlight on a "Pipeline" Paralegal .....	145	by Dr. Lani Kass	
<b>AREA DEFENSE COUNSEL PROGRAM</b> .....	149	<b>LAWYERING THROUGH CHANGE</b> .....	206
Spotlight on an Area Defense Counsel .....	150	by The Honorable Jeh C. Johnson	
Spotlight on a Defense Paralegal .....	152	<b>THE SKY IS THE LIMIT</b> .....	209
<b>AIR FORCE JAG CORPS DEPLOYMENTS:</b>		by The Honorable Carol DiBattiste	
<b>A YEAR IN REVIEW</b> .....	154	<b>SPOUSES CREATE UNITY AND COMMUNITY</b> .....	213
Spotlight on a Deployed Paralegal .....	155	by Mrs. Joy Dunlap	
Detainee Legal Operations at Camp Bucca .....	157	Spotlight on a JAG Corps Spouse Volunteer .....	215
Spotlight on a Deployed Staff Judge Advocate .....	159	<b>THE JAG CORPS—LOOKING AHEAD</b> .....	219
Spotlight on a Deployed JAG .....	161	by Maj Gen Jack L. Rives	
Defense Institute of International Legal			
Studies Program .....	162		

## ACKNOWLEDGEMENTS

### ASSISTANT EDITORS

Col Tonya Hagmaier, Lt Col Juan-Carlos Guerrero, Lt Col Bradley W. Mitchell, Lt Col Lance E. Mathews, Maj John C. Johnson, Maj Elizabeth L. Schuchs-Gopaul, Maj Robert M. Gerleman, Maj Robert S. Hall, Maj Linell A. Letendre, Maj Allan S. Brock, Capt Suanne M. Crowley

### GRAPHICS

Ms. Robin Conner (HQ AF/IMMG), Pentagon  
Ms. Evelyn Buhl (HQ AF/IMMG), Pentagon

### KEYSTONE TRANSCRIBERS

Ms. Joyce Stephens, Sheppard AFB, TX  
Ms. Rebecca L. Patterson, Brooks City-Base, TX  
TSgt Virginia M. Race, Bolling AFB, DC

### KEYSTONE PHOTOGRAPHERS

SSgt Nathaniel G. Bevier, Shaw AFB, SC  
SSgt Henry L. Hoegen, Shaw AFB, SC  
SrA Julianne M. Showalter, Hurlburt Field, FL

Views expressed herein, unless otherwise indicated, are those of the individual author. They do not purport to express the views of The Judge Advocate General, the Department of the Air Force, or any other department or agency of the United States Government.

# The Reporter

---

2007  
Volume 35, Number 1

---

*The Reporter* is published quarterly by The Judge Advocate General's School for the Office of The Judge Advocate General, U.S. Air Force. Contributions from all readers are invited. Items are welcome on any area of the law, legal practice, or procedure that would be of interest to members of The Judge Advocate General's Corps. Items or inquiries should be directed to The Judge Advocate General's School, AFLOA/AFJAGS (150 Chennault Circle, Maxwell Air Force Base, AL 36112-6418) (Comm (334) 953-2802/DSN 493-2802).

---

MAJOR GENERAL JACK L. RIVES  
*The Judge Advocate General  
of the Air Force*

MAJOR GENERAL  
CHARLES J. DUNLAP, JR.  
*The Deputy Judge Advocate General  
of the Air Force*

COLONEL DAVID C. WESLEY  
*Commandant  
The Judge Advocate General's School*

MAJOR KYLE W. GREEN  
MAJOR JENNIFER C. HYZER  
*Editors*



## MESSAGE FROM THE EDITORS

Last year, The Judge Advocate General's School published the first-ever year-in-review edition of *The Reporter*. Designed to provide a representative snapshot of significant events and achievements of The Judge Advocate General's Corps, the edition was a watershed effort that will undoubtedly remain a valuable resource in the future for members of the JAG Corps.

Readers will quickly recognize the format of the *2007 Year in Review*, which faithfully follows the organization developed last year. But while the style is similar, the work documented in this edition is all new, representing the extraordinary efforts of JAG Corps members in 2007.

In the edition's first section, "Our Corps," senior JAG Corps leaders provide their perspectives on the achievements, values, and future challenges facing the JAG Corps. The section also highlights the Heritage to Horizons meetings held in 2007, our annual award winners, and the scholarly contributions of JAG Corps members.

The second section, "Our Contribution to the Fight," features perspectives from senior Air Force leaders about the values and principles embodied by the JAG Corps. The section also summarizes the accomplishments of JAG Corps organizations across the Air Force. From Headquarters Air Force to deployed judge advocates and paralegals, the evolution and transformation of the JAG Corps through JAG Corps 21 initiatives are evident throughout the section.

The third section of this edition, "KEYSTONE Leadership Summit 2007," memorializes a selection of presentations from the most recent Summit held in Atlanta, Georgia, last October. Ranging from cutting-edge topics such as lawfare to timeless discussions of leadership principles, these presentations examine the challenges before us and offer important insight into the values that are essential to our success.

Throughout the *2007 Year in Review*, you will also find spotlight articles highlighting individuals and teams from across the JAG Corps. Ranging from civilians, paralegals, and judge advocates serving at base offices to JAG Corps members supporting Presidential missions and building a new legal system in Iraq, these spotlights feature just a small representation of the outstanding men and women who comprise the JAG Corps.

In addition, the *2007 Year in Review* pays tribute to the Air Force's 60th Anniversary by reflecting on our own JAG Corps heritage. Many former leaders of the JAG Corps generously provided their thoughts and wisdom on the evolution and enduring values of the JAG Corps, and you will find their insight throughout the edition. As the JAG Corps charts the course to our horizon, we can learn a great deal by also taking time to reflect on our proud heritage.

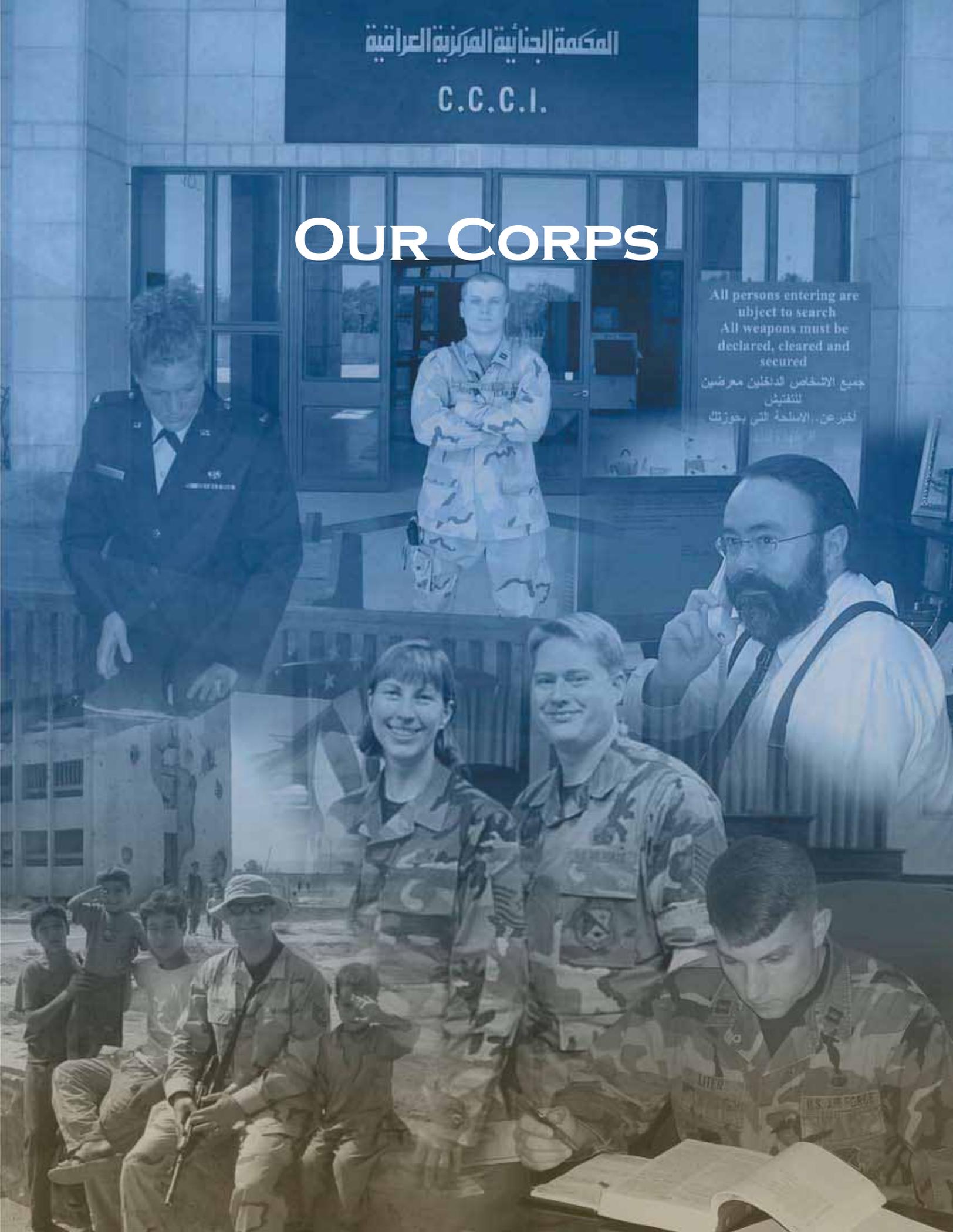
المحكمة الجنائية المركزية العراقية

C.C.C.I.

# OUR CORPS

All persons entering are  
subject to search  
All weapons must be  
declared, cleared and  
secured

جميع الاشخاص الداخلين معرضين  
للتفتيش  
لجميع الاسلحة التي بحوزتكم  
التي يجب ان يعلنها و  
تتم اجراءات امانها



# JAG CORPS MISSION

TO DELIVER PROFESSIONAL, CANDID, INDEPENDENT  
COUNSEL AND FULL-SPECTRUM LEGAL CAPABILITIES  
TO COMMAND AND THE WARFIGHTER

# JAG CORPS VISION

ENABLING THE AIR FORCE AND THE WARFIGHTER  
THROUGH MISSION-FOCUSED LEGAL CAPABILITIES  
HONED FOR A DYNAMIC ENVIRONMENT



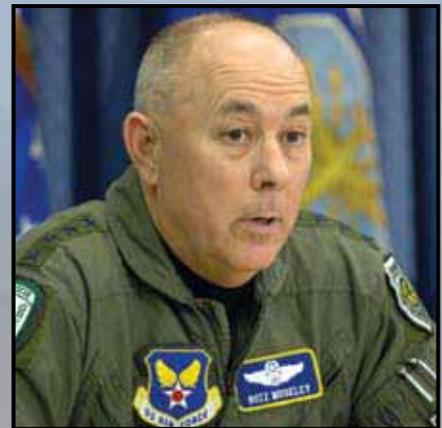
*There are risks and costs to action. But they are far less than the long-range risks of comfortable inaction.*

– President John F. Kennedy



*Though the past may inspire us, it is the challenge of the future that must motivate us.*

– Maj Gen James S. Cheney  
The Judge Advocate General  
1969-1973



*JAG Corps professionals are my wingmen for all my important issues—not just the legal ones. Commanders throughout the Air Force value their straight-forward approach and indispensable advice—and so do I.*

– General T. Michael Moseley  
Chief of Staff of the Air Force

# JAG CORPS PRIORITIES AND OBJECTIVES



**PRIORITY:** *Provide on-time, on-target, full-spectrum legal services for Air Force operations*

## OBJECTIVES

- Expertly apply core competencies to the Air Force mission and the Air Force priorities: warfighting, developing and caring for Airmen and their families, modernizing and recapitalizing aircraft and equipment
- Ensure that all judge advocates are unrestricted in their ability to give professional, candid, independent legal advice
- Provide seamless reachback in all fields of practice to enhance the accuracy, speed, reach, and responsiveness of the legal services provided to commanders and Airmen
- Improve communications to internal and external audiences
- Employ the Air Force Core Values—Integrity, Service, Excellence—through the JAG Corps Guiding Principles—Wisdom, Valor, Justice

**PRIORITY:** *Develop and care for Total Force legal professionals and their families*

## OBJECTIVES

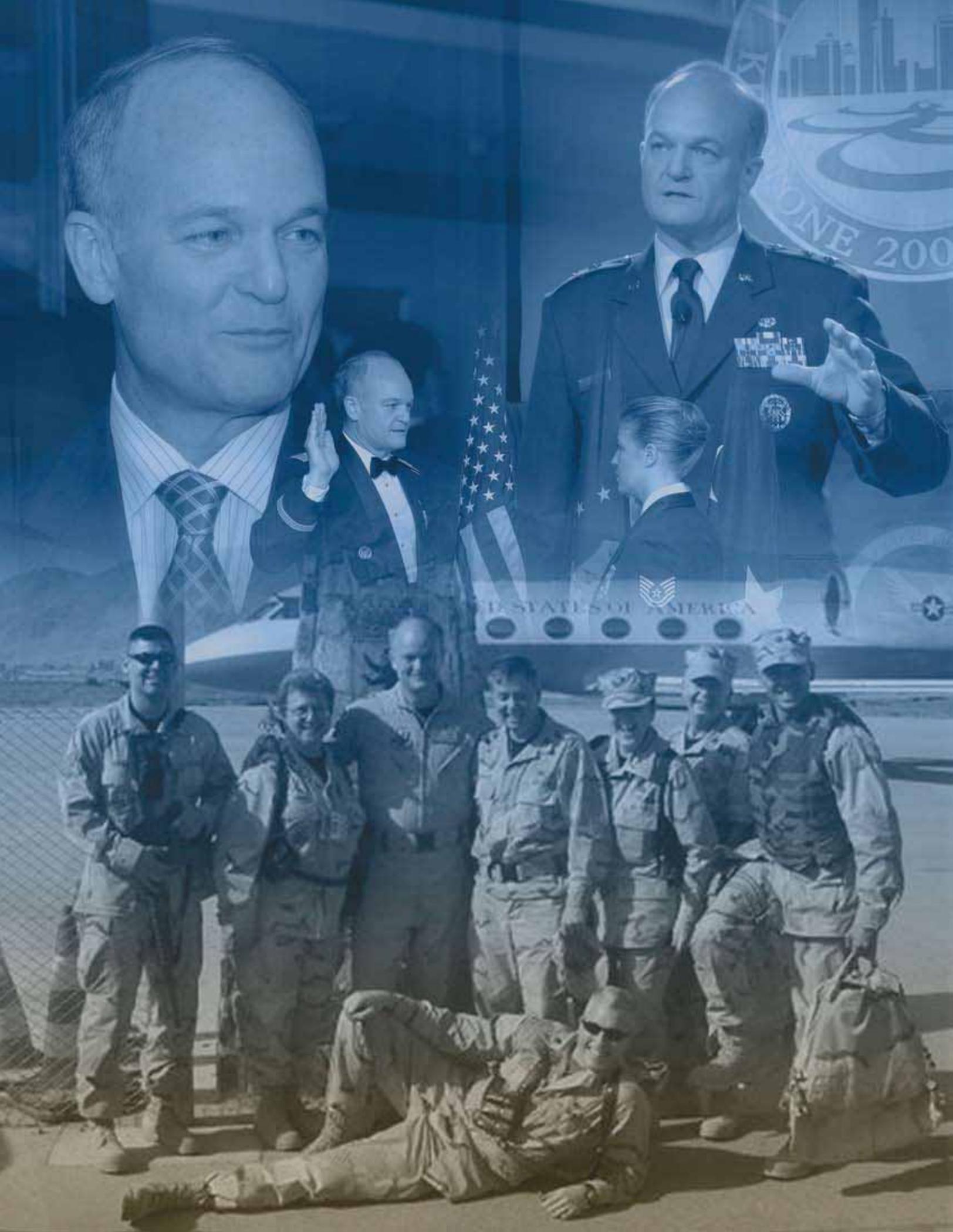
- Ensure JAG Corps Airmen are operationally ready for Air Force, joint, and coalition operations

- Ensure JAG Corps members achieve and maintain optimal skills and qualifications through education, training, professional development, and experience
- Strengthen recruiting, force management, and retention
- Provide career-long, tailored professional and leadership development for JAG Corps members
- Support and care for JAG Corps members and their families
- Reinforce an environment of mutual respect, teamwork, and self-discipline
- Foster lifelong bonds with the JAG Corps

**PRIORITY:** *Rapidly adapt our organization, manning, education, training, and legal information capabilities to surmount 21st century challenges through JAG Corps 21*

## OBJECTIVES

- Plan, program, budget, and execute the resources necessary to provide requirements-based capabilities
- Anticipate and prepare for new requirements and missions
- Continuously evaluate and improve JAG Corps organizations and processes
- Ensure JAG Corps manpower is allocated based on: “right people—right place—right time”
- Develop responsive, requirements-based education and training capabilities at The Judge Advocate General’s School
- Continually modernize and leverage state-of-the-art information technology capabilities



# PERSPECTIVE OF THE JUDGE ADVOCATE GENERAL

*The following remarks, which have been edited for this publication, were made by Major General Jack L. Rives at the KEYSTONE Leadership Summit on 22 October 2007.*

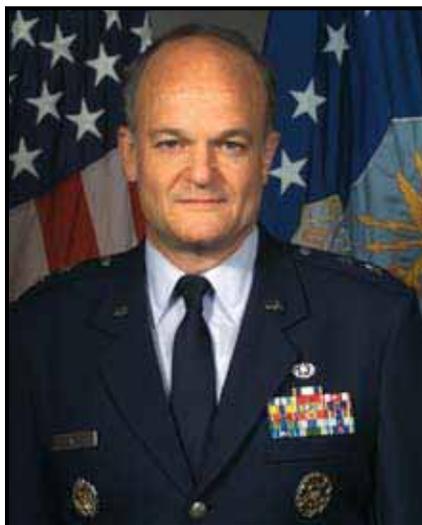
It's a great privilege for me to welcome our distinguished guests and members of the JAG Corps to KEYSTONE 2007. The theme of this year's KEYSTONE Leadership Summit is Living the Vision. When we talk about living the vision, I want you to reflect and to understand how everyone in the JAG Corps contributes. And I do mean everyone, every day, in all kinds of ways.

I'm talking about the experienced court reporter who takes the less experienced counsel aside and explains what she's learned about trial technique from the cases she's handled through the years.

I'm talking about the paralegal who researches a case and later realizes there's more to discover, then proactively does additional research even though no one asks for it.

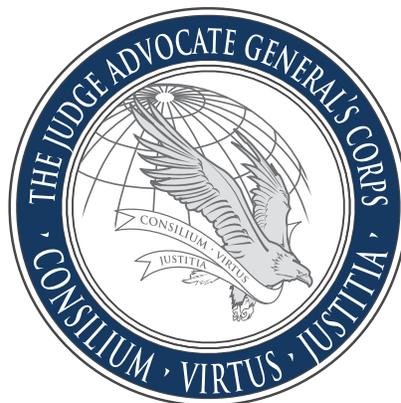
I'm talking about the members of the Air Reserve Component who proudly wear the uniform, leaving behind their jobs and families to serve our Nation in time of war—whether serving in the AOR or providing home station support at bases around the world.

I'm talking about the JAG Corps civilian attorneys and support personnel who provide long-term stability and continuity, who seem to know everyone on the installation, and who help guide our new judge advocates and paralegals.



**MAJ GEN  
JACK L. RIVES  
THE JUDGE ADVOCATE  
GENERAL**

And I'm talking about the judge advocates who don't just do their job, but do their job extraordinarily well. JAGs who answer questions quickly and correctly, and then conduct detailed research to make sure they are up to date and provide answers that resonate with effectiveness.



These and thousands of other examples are what I'm talking about when I say that members of the JAG Corps "Live the Vision" every day as they serve this great country.

The Chief of Staff of the Air Force says that members of the JAG Corps "enable all military operations." Think about that. And consider how everything that occurs in the Air Force today really is enabled in some way by what members of the JAG Corps do. It could be something as simple as providing legal assistance to an Airman before he deploys, so he can focus on his mission instead of having to worry about legal matters back home. Or it could be the sophisticated legal advice in a Combined Air Operations Center about targeting and the types of weapons to employ. Or it could be the work our contract attorneys and paralegals provide to help ensure we have a modernized force for current missions. In ways big and small, members of the JAG Corps contribute to the fight. We're mission focused and we're flexible for the dynamic environment in which we operate.

I closed last year's KEYSTONE with a discussion of how so many things had come together to create a "perfect sunrise." That's where we are in the JAG Corps today. We're at the dawn of an exciting period. We have great opportunities. Our challenge is to take advantage of these opportunities.

This year marks the 60th anniversary of the United States Air Force. Many of you have seen the beautiful new Air Force Memorial, which was dedicated in October 2006. The Memorial has three spires, and various meanings have been attached to the spires. Some

## PERSPECTIVE OF THE JUDGE ADVOCATE GENERAL

say they stand for the Air Force Core Values of Integrity First, Service Before Self, and Excellence in All We Do. Some in the JAG Corps say they match our Guiding Principles of Wisdom, Valor, and Justice. This week of KEYSTONE, let's focus on three other things the spires represent to the JAG Corps—the times, the people, and the opportunities. We are living in an era of unprecedented support for the JAG Corps. The people of the JAG Corps have incredible talent and dedication. And the combination of the times and our people give us the opportunity to fundamentally transform Air Force legal capabilities.

### THE TIMES

Words like “transformation” and “reinventing government” have been overused and have lost real meaning. But in today's perfect sunrise, we are genuinely transforming and reinventing the JAG Corps. This is a historic period, and you have a critical role.

A Chinese proverb says, “may you live in interesting times.” In today's world, we certainly face challenges and difficulties. Consider the current situation in Iraq, declining public confidence in institutions and leaders, and Air Force personnel cuts and budget issues. These issues are our reality; the people in this room understand that challenges like them produce opportunity. For those with vision, times of chaos actually present tremendous opportunities to move forward.

Members of the JAG Corps are poised to take advantage of our opportunities. To best do that, I need each of you to embrace your

leadership responsibilities. I value your leadership, and I'm not the only one. The public values you. Public opinion polls show the military is the most trusted institution in the country. The media and Congress have praised the integrity and dedication of the members of all Service JAG Corps, as has the broader legal profession.

In August, I attended the American Bar Association's annual meeting in San Francisco. The ABA strongly supports many robust programs for military members and their families. One recent example is the ABA certification for our Air Force paralegals. That initiative makes a difference for the professionalism of our paralegals.

We not only have strong external support, we also have strong support within the Air Force. Commanders, as exemplified by the Chief of Staff of the Air Force, depend on the capabilities you provide. General Moseley points out that he relies on JAGs not just for legal issues but to help avoid legal problems and to resolve his toughest issues. He likes to bring JAGs in to discuss concerns, and he says he tends to feel better about the way ahead after having spoken with members of our Corps.

### THE PEOPLE AND OUR GUIDING PRINCIPLES

Why do the public, the media, and commanders have high opinions of the men and women of the JAG Corps? Because of the people in our Total Force: active duty and Air Reserve Component judge advocates, paralegals, civilian attorneys and civilian support personnel. Everyone in the JAG

Corps today, some 4600 strong, as well as the people who've been with us in the past, are part of the JAG Corps family. What binds us together? Our shared values—as explained in our Guiding Principles of Wisdom, Valor, and Justice.

At KEYSTONE in 2006, we introduced new draft mission and vision statements. We held breakout groups during KEYSTONE, and we later distributed updated drafts to everyone in the JAG Corps. Everyone was encouraged to provide inputs so we could refine the vision and mission and make them as meaningful and effective as possible.

Last spring, we published our Values and Vision document. Inside the front cover are the JAG Corps mission and vision statements, and I hope you've made time to internalize them. Our mission statement flows from our guiding principles. Wisdom is essential for professional counsel. Valor enables us to provide candid counsel. And Justice depends on independent counsel.

### Wisdom

Wisdom is the key to everything we do. Delivering professional counsel by logically analyzing the facts, identifying issues and solution sets, and communicating the right information at the right time to accomplish the mission is how we apply wisdom in the JAG Corps.

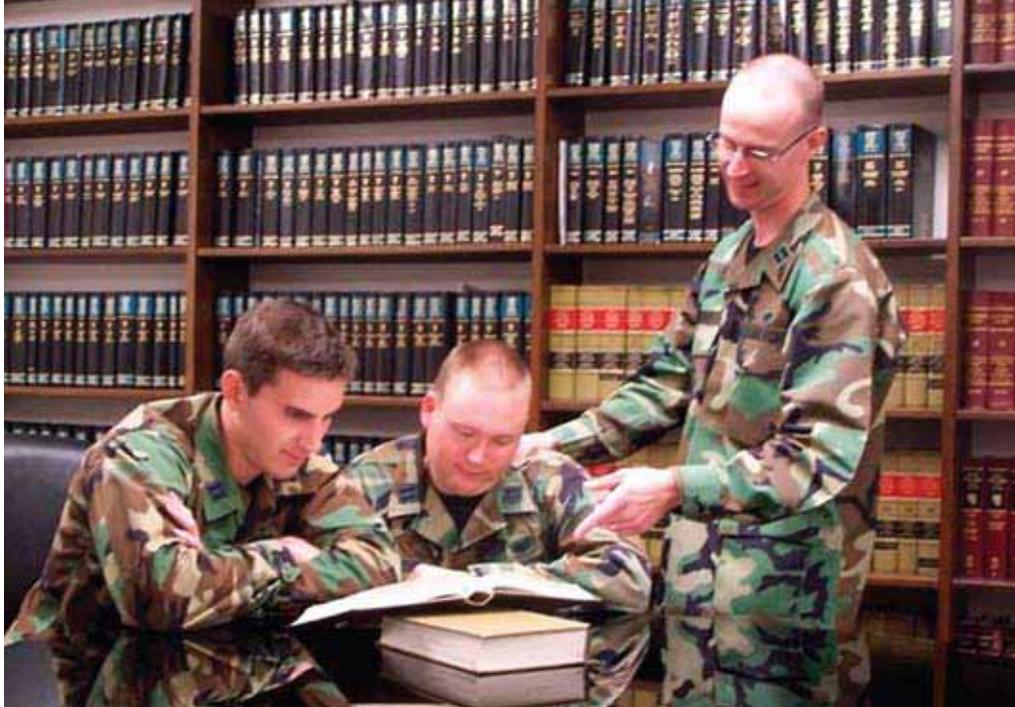
Some of you have seen the television show *Are You Smarter than a Fifth Grader?* Of course, there are elementary school students who could stump us on some facts they've learned in school. But wisdom is more than mere knowledge; it's more than just “book smarts.” It

involves intelligence tempered by life's experiences—and it involves judgment.

One of the ways wisdom is developed in subordinates is through mentorship. Consider Tom Watson, Sr.; he began his working life in Buffalo, New York, as a cash register salesman. The first two weeks, he didn't sell a single cash register. At that point, his boss verbally ripped him. When Watson was on the verge of quitting, his boss said, "Look, I understand you haven't caught on yet, and that's my responsibility. When people who work for me don't understand their job, I roll up my sleeves and I show them how." The next week, the supervisor went out with Watson and together they sold three cash registers. Tom Watson later became the top regional salesman for that cash register company. He eventually used the skills he began learning as a salesman to form IBM, which became a huge international conglomerate.

His son, Tom Watson, Jr., who also headed IBM, recalled a favorite saying from his father. "A manager is an assistant to his men." If your people fail, look first to yourself and determine whether you mentored them for success. Walk the walk with them. Don't just tell them what to do. Don't be frustrated when they don't do it as well as you might have done it. Help them understand how to do the job more effectively. Leaders mentor and impart their wisdom.

We have such mentors throughout the JAG Corps. For example, when Captain Jim Gentry was serving as a Senior Trial Counsel last summer, he led the prosecution



*Capt Gentry mentoring fellow JAGs before trial*

effort in a trial at RAF Mildenhall, United Kingdom. The staff judge advocate at Mildenhall, Lieutenant Colonel Mark Allison, wrote an extremely complimentary email that explained how Captain Gentry took the time to mentor captains in the Mildenhall office who were less experienced. In the future, those officers will apply the lessons they learned from Captain Gentry. His efforts will enable them to try cases effectively by themselves.

### **Valor**

Members of the JAG Corps face risks every day. On the front lines in Iraq, they willingly put themselves in harm's way. They accept danger, saying it just goes with the territory. Courage and physical bravery are an aspect of valor, but valor also involves strength of character. Valor requires members of the JAG Corps to lean forward on issues, to report and handle misconduct the right way, to know how to deliver bad news, to provide candid counsel, and, where appropriate, to prudently disagree with the boss. You lead with valor by willingly

stepping up to decisions and courses of action that involve risk, opposition, adversity, and often real difficulty. At times, doing the right thing is relatively easy. But when it's not, valor is essential.

Members of the JAG Corps are known for doing the right thing. As Secretary Wynne has said, the JAG Corps "is the conscience of the Air Force." Sometimes, some people don't like what you tell them. But when you know you've done your best and told them what they needed to hear, most people will ultimately respect you for providing that advice. The important thing is that you know you've met the highest standards.

Here's an example of valor in action. Many members of the JAG Corps have served with Task Force 134 in Iraq, working detainee operations. While serving with Task Force 134 earlier this year, Major Shane Cohen worked with an Iraqi judge. The judge lives outside the Green Zone in a house that often has no electricity. He has to siphon water from pipes. His children can't play

## PERSPECTIVE OF THE JUDGE ADVOCATE GENERAL

outside because it's too dangerous. When the judge travels to and from work, he passes several checkpoints. Often, he has confided to Major Cohen, he wonders whether he's facing an imminent assassination or kidnapping attempt.

After the prosecution of an al Qaeda leader a few months ago, Major Cohen saw the terrorist stand up in the courtroom, stare at the judge, point at him and say, "If I find you outside, I'm going to kill you."



*Major Cohen in Iraq*

The judge presses on, and he told Major Cohen that he's willing to endure the inconveniences and the dangers associated with his job because he wants to make his country better. He says the sacrifices are worthwhile if his children will have a better future, and if his grandchildren can grow up in a safe environment. The judge believes the future of Iraq hinges on establishing the rule of law, and he's willing to devote himself fully to that cause.

The "rule of law" has many definitions, but it basically

involves having rules that are well-established and known by the people. And when someone breaks the rules, they'll be held accountable by their government. Might does not make right. If someone violates the rules, the situation will be handled in a fair manner by the government. That rule of law, that critical feature of a civilized society, is what we're trying to help build in places like Iraq and Afghanistan. It will allow people to live in security so that, as the Iraqi judge hopes, their children will have a better life and their grandchildren can grow up safe.

We need people who display valor like that Iraqi judge. And like Major Cohen. Both share a passion for the rule of law.

### Justice

Justice demands that we strive for what is right and fair. Justice is not a sporting event, where "wins" and "losses" are counted. Balanced and tempered justice means doing the right thing, obtaining the right result, and attaining that result through the right processes for the right reasons.

Justice, of course, goes beyond the courtroom. It encompasses the fair treatment of others, within and outside of the JAG Corps. This includes providing independent counsel, upholding the rule of law, promoting constitutional ideals such as due process and equal protection, and respecting the dignity of all people—including our adversaries.

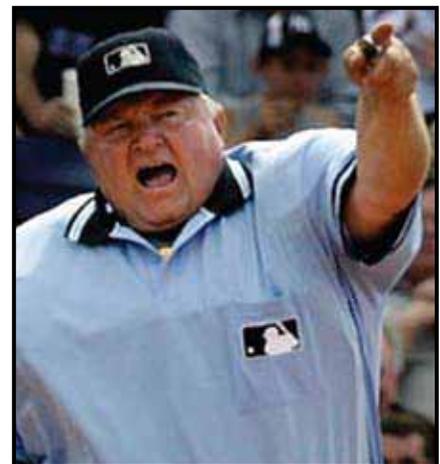
### The People of Our JAG Corps

Our guiding principles provide the framework for us to better

understand and appreciate our Vision, and the key for this is people. People understand what really is important.

Bruce Froemming served as a professional baseball umpire for 50 years, 37 of those years in the major leagues. He umpired more than 5000 games. Think of all the decisions he had to make in each of those games. When he umpired behind home plate, he averaged about 300 decisions—ball or strike calls and other rulings, every game.

Someone once asked him, "When you're at the end of the season and there aren't many people at an inconsequential game, do you relax a bit and not pay as close attention?" Bruce Froemming was offended. His response says it all: "Every pitch is important to someone." That's the point. You have to always do your best. The things you do are important. You can never be sure when it may be critically important to someone.



*Umpire Bruce Froemming*

Members of the Corps understand Bruce Froemming's perspective. Last spring, Master Sergeant Cindy Jones deployed from Vandenberg

Air Force Base, California to Al Dhafra in the United Arab Emirates, where she served as the law office superintendent. She demonstrated how “every pitch is important” with her approach to mundane tasks, such as seemingly routine powers of attorney. In an e-mail to her colleagues back home at Vandenberg, she wrote, “How much effort does it really require when someone comes in for a power of attorney? Instead of just preparing the power of attorney for the spouse back home, I can scan it and e-mail it to the spouse and then hand-carry the original to the post office for prompt mailing. To me, it’s not a big deal at all.” But, she went on, “I’m really moved by the look on the Airmen’s faces when they see that I’m willing to do that for them.” For her, it’s easy. It’s not that big a deal. For many of the Airmen she serves, it makes a huge difference.

It’s these “small things” that can make a big difference. And they’re the type of things that members of the JAG Corps do routinely.

Reserve Colonel Alisa James served as an active duty judge advocate for about five years, then she moved to the Air Reserve Component. She served as an individual mobilization augmentee and later in the Air National Guard, and she is currently again serving as an IMA. She has a very successful law practice in Panama City, Florida. But in February, she will close her private practice because she wants to contribute more.

Colonel James has volunteered for a 365-day deployment to serve as a legal mentor to the Afghan Army Corps. She will advise Afghan staff

judge advocates how to provide command with the entire spectrum of legal services, and she will help junior judge advocates with case preparation and prosecution. For a full year, she’ll be embedded within that Afghan Army Corps to help them benefit from her background, training, and experiences. She won’t dictate that they must do things as we do them. Instead, she will show them our approach to analyze and resolve issues and help them decide how best to adapt our practices to their needs.



*Col James*

Let’s now consider our Air Force paralegals. In many ways, we have a “new” paralegal force. For decades, claims for damaged and lost household goods and carrier recoveries were a significant part of installation-level paralegal duties. No longer. And by March 2008, hospital recovery programs will no longer be an installation-level responsibility. This frees a substantial number of paralegals to work in other areas.

Recently, we published a new TJAG Policy Memorandum on paralegal utilization. For many years, I have been concerned that we have not used our paralegal force

as effectively as we should. Our paralegals are selectively recruited and well trained. And they’re able to do so much more than they’ve traditionally done.

The Policy Memo explains that paralegals cannot engage in the unauthorized practice of law. That’s the limitation. I’m asking you to be creative, to look for meaningful things our paralegals can be doing, even if they’ve never done such things in the past.

When I recently met with our senior paralegals and discussed this utilization issue, someone commented that they receive push back because better utilization of paralegals “will take work from attorneys.” That’s the point! We want paralegals to take work from attorneys. They cannot engage in the unauthorized practice of law, but under attorney supervision, we can make better use of our gifted, highly-motivated paralegals.

Let’s turn now to the Air Reserve Component. We have a new model for ARC support. Beginning with DESERT SHIELD/DESERT STORM, and refined since 9/11, members of our Air Reserve Component are inextricably melded with the rest of our Total Force. In the Air Force JAG Corps, we have not involuntarily mobilized anyone. Over the years, some 22 percent of our deployment taskings are performed by members of the Reserve Component. They’ve voluntarily served for 120-day, 179-day, and even 365-day tours. When we travel to the AOR, we see our Reserve Component JAGs and paralegals doing the same duties, just as effectively, as their active duty counterparts.

## PERSPECTIVE OF THE JUDGE ADVOCATE GENERAL

We developed a formal program of “Home Station Support” about six and a half years ago. That program proactively enables members of the Reserve Component to fill-in for active duty JAGs and paralegals who are deployed. Over the last twelve months, members of the Reserve Components have provided manning support totaling 96,356 man-days, the equivalent of 372 fulltime positions. That’s incredible, indispensable support.

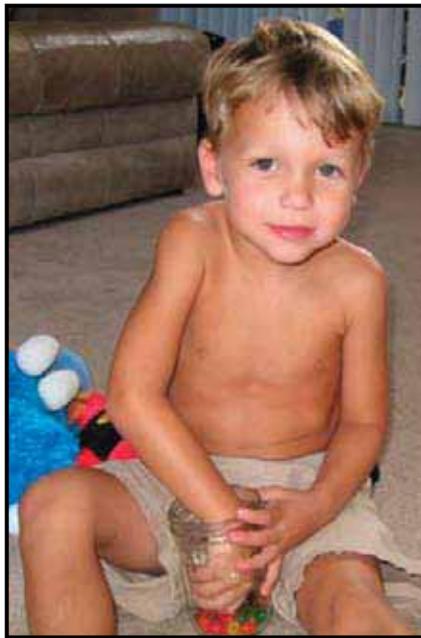
When we talk about the people of the JAG Corps, we’re talking about families, too. Last spring, Major Ira Perkins deployed to the Combined Air Operations Center in the Persian Gulf. His home office, the 15th Air Base Wing, provided great support to Major Perkins while he was deployed, and members of the office and their spouses provided strong support to his wife April and to their two young boys while he was gone.

When Major Perkins said goodbye to his wife and sons, Tristan was two and a half, old enough to understand that Daddy was leaving. Major Perkins and April gave Tristan a jar of jelly beans and told him every day that Daddy was gone, he could eat one. They explained that when the jar was empty, Daddy would be home.

Major Perkins sent home some gifts after he had been gone for a few weeks. April Perkins gave Tristan his gifts and she was watching the baby when she realized that Tristan had left the room. She found him in his bedroom with the jar of jelly beans. He was trying to eat them all. He said, “I want Daddy to come home today.”



*Maj Perkins with family*



*Tristan Perkins*

Remember, when our people are deployed, they work hard and are serving the country. And they are also leaving families behind. Be sure to reach out to those family members.

And as we consider people, we must of course reflect on our heritage. General Moseley, the Chief of Staff of the Air Force, says that: “The current generation of Airmen is as good as ever, and they’re standing on the shoulders of giants.” He’s absolutely right. This past year, both Chief Dillard-

Bullock and I hosted “Heritage to Horizons” meetings for senior mentors of the Corps, retired general officers and senior civilian officials, along with retired senior paralegals. We briefed them on where we are as a JAG Corps and we sought their insights on where we should be in the future.

### **THE OPPORTUNITIES**

Let’s now consider our future opportunities. General James Cheney, a former Air Force Judge Advocate General, observed that, “though the past may inspire us, it is the challenge of the future that must motivate us.” Success does not just happen. You need to be dedicated and committed and ready.

The confluence of the times and the people presents opportunities. These really are historic times, and we need to take advantage. Let’s quickly review some of the background.

### **Deployments**

The Air Force has returned to our expeditionary roots. We have moved from the Cold War era of forward-basing, typically at

large bases, to an expeditionary environment. We often serve in austere locations, with a real focus on new missions.

Our people are making tremendous contributions in the deployed environment. We've had a dramatic increase in the number of Air Force JAG Corps members who deploy. From the summer of 2004 through spring 2008, we will have had a 430-percent increase in deployed JAG Corps personnel. And during that period, deployments will have increased from an average of less than 120 days to an average of about 179 days. Put in other terms, the number of days that our people are away from their home station has increased by 800 percent.

We moved our functional area management office for expeditionary support from Headquarters Air Combat Command to JAX, our Professional Development Division, so that we can better manage officer deployments and their impact on office manning. That office also works closely with Chief Dillard-Bullock and her staff in JAY on paralegal deployments so we can best understand manning issues.

### **The World is Flat**

Consider how a base legal office functioned through the years. Each office was relatively self-contained, something of an "island unto itself." The hierarchy was very vertical. Typically, we'd reach only to the next level of command for assistance. Getting help or feedback was far from timely in those days. We might have contacted a JAG friend or someone at the JAG



*A JAG Corps team deployed in Afghanistan*

School and asked for assistance as a favor.

For example, my first base was Griffiss Air Force Base, New York. If my staff judge advocate didn't know the answer, we'd go to the books and do whatever research we could locally. When we had a question or inputs for higher headquarters, we'd often begin with a phone conversation and follow up with a package sent by first-class mail to Headquarters Eighth Air Force at Barksdale Air Force Base, Louisiana. Rarely would we go above Eighth directly to Headquarters Strategic Air Command. And rarer still would we would go to Headquarters Air Force on any issue.

Each major command back then had a certain degree of autonomy. The MAJCOMs didn't communicate very often with each other. SAC was well-known for doing things "the SAC way." Same with other major commands. That was a dramatically different world. "C<sup>2</sup>" was the classic military model

of "command and control"—very vertical, and one step at a time. Sometimes it was only one step, and sometimes you didn't get feedback.

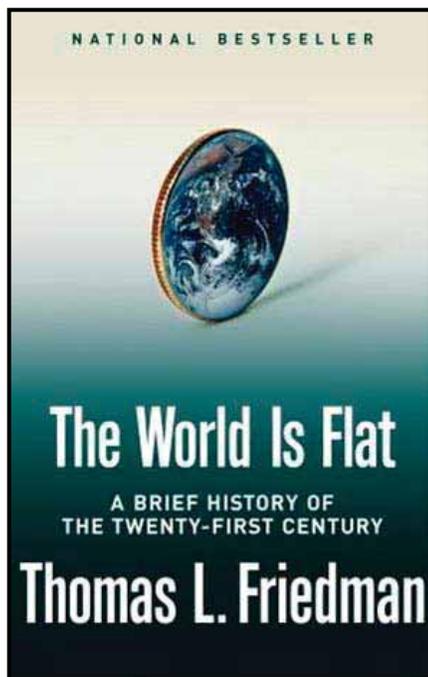
Consider today's communications and technology capabilities and what they mean to the JAG Corps. We've had an information technology explosion. We have instant communications featuring Blackberries, faxes, the Internet, cell phones, VTCs, and computer-based legal research tools.

The JAG Corps is taking advantage of these developments. In October, we held a comprehensive IT stand-down for every member of the JAG Corps. JAS did a great job and the feedback was incredibly positive. We jump started our VTC spiral development program. In the summer 2006, we connected Headquarters Air Force with the JAG School and a few other locations. By summer 2007, my office had VTC connections with each of the major command staff judge advocate offices. Soon, every courtroom in base legal offices will

## PERSPECTIVE OF THE JUDGE ADVOCATE GENERAL

have VTC capability. This will dramatically enhance the way we communicate and instruct. Our VTCs enable “virtual conferences,” the next best thing to face-to-face. This will become routine in the future, and we’re actively exploring ways to it most effectively.

This has helped to create an environment that Tom Friedman described in his book, *The World is Flat*. Mr. Friedman does a great job explaining how technology and communications devices have dramatically changed the world. The confluence of many factors enables us to do things more effectively, in ways that could hardly have been imagined in the past. Members of the JAG Corps need to be positioned to take advantage.



The old “C<sup>2</sup>” that existed throughout the history of the Air Force is being replaced with a new paradigm: “communicate and collaborate.” Instead of going through the old vertical hierarchy

with a question, you now go directly to the people who can best assist you. We’ve restructured the JAG Corps over the last couple of years. We’ve flattened the JAG Corps. We’re getting the right expertise and the right help to the people who need it, when they need it.

Some of you have heard me tell the story of “Rip Van JAG.” When the Air Force JAG Corps formally began in 1949, we did most things substantially as they had been done in the Army and the Army Air Corps. Of course, our own culture did develop. But most changes were incremental, and caused by outside factors. If a JAG back then had gone into a deep sleep and awakened 55 years later, he would have been a bit disoriented, and he would have been amazed by our communications devices and the technology. But he would be able to adapt pretty quickly to life in the base legal office. In many respects, we were organized and we were doing things in 2005 substantially as we had done them from the beginning.

But if Rip Van JAG fell asleep last year and woke up today, he would be very disoriented. He couldn’t do his job, because we have fundamentally changed the way we deliver legal services, with more changes to come. We are taking advantage of some great opportunities. We’re adapting to the confluence of events that have produced today’s flat world.

### JAG Corps 21

JAG Corps 21 is our way to seize the new reality. It’s important for

you to understand that JAG Corps 21 is not changing who we are. It merely changes how we accomplish the mission. Consider what this means for today’s legal office.

For those who are outside the JAG Corps, the servicing legal office continues to provide complete, highly professional services. The “face of the JAG Corps” has not changed.

But we now have a new paradigm. In the old model, the base office had limited expertise, and it was difficult to reach out for expert assistance. We no longer follow that old rigid hierarchy. Now, the Field Support Centers are proving to be tremendous assets. We are refining that model now, and the next phase of JAG Corps 21 will focus on serving installation level legal offices even more effectively.

Inside the JAG Corps, we have fresh opportunities for the delivery of legal services under the JAG Corps 21 initiatives. We have made significant progress, but this is very much a work in progress. We need imaginative thinking and creative ideas. Some will work well, others won’t. But as the great hockey player Wayne Gretzky observed, “You miss 100 percent of the shots you never take.” I cannot overemphasize the need to seize the day, to exploit our current opportunities. Let’s try the new ideas.

Shortly after KEYSTONE, we will set up meetings of JAGs and paralegals and civilian personnel from the Total Force across all major commands, to help best determine the next phases of JAG Corps 21. The local legal office

will remain the commander's asset, but we need to do a better job of understanding reachback under JAG Corps 21. Each of you has an essential role.

The JAG School and JAS form the hub of JAG Corps 21. We've begun to enhance the School's manpower. In the summer of 2006, the JAG School had 33 manpower slots when it moved from Air Education and Training Command to the Air Force Legal Operations Agency. Now, it has 44. By the end of summer 2008, it will have more than 60 people. The budget at the JAG School, which had been stagnant for almost 15 years, increased by 500 percent from 2006 to 2007. We're also firming up plans for an annex to the JAG School.

How has the Field Support Center concept worked in practice? Consider the Claims Service Center. In less than a

year, we moved from providing assistance to clients for damaged and lost household good items and for carrier recoveries at 92 bases worldwide to one location in Kettering, Ohio. Claims experts are available 24 hours a day, seven days a week, online or by telephone. The help desk is always staffed. We're not just doing it differently or with fewer people. We're doing it better than ever before.

The transformation to the Claims Service Center does not mean that local legal offices are completely removed from claims responsibilities. Just ask Lieutenant Colonel Melinda Davis-Perritano, the staff judge advocate at McGuire Air Force Base, or Lieutenant Colonel Eric Bee, who's in charge of our Claims Service Center. In May 2007, flares dropped from an Air National Guard F-16 ignited a fire in New Jersey. Three thousand

homes were evacuated and 7000 people were displaced. The immediate reaction in the local community was very negative. People were upset about getting moved from their houses and local politicians were irate. The media attacked the Air Force for its training accident.

The reaction under JAG Corps 21 was immediate and comprehensive. The local JAG office, as the face of the JAG Corps, was the first to respond. They quickly set up a remote claims office. They called to JACC and the Claims Service Center, and less than a day after receiving the call, our flyaway claims team was on the scene at that newly-established remote claims office.

Within days, community reaction transformed. The Atlantic City Press reported, "Before the flames were even out, the claims folks were here." The local people even



## PERSPECTIVE OF THE JUDGE ADVOCATE GENERAL

prepared meals for our claims personnel to show their personal appreciation. The New Jersey delegation praised the Air Force claims response on the floor of Congress.

JAG Corps 21 is a dynamic concept, still being defined. We are moving to become a very flat organization. We need initiative and creativity and leadership from everyone in the JAG Corps.

It's important to understand that "one size shoe" does not fit everyone under the JAG Corps 21 model. But everyone will have shoes. In other words, Headquarters Air Force JA will set the standards. And local legal offices will have a lot of discretion in determining how to implement them.

For example, base offices feature a wide range of tax programs. The program at Davis-Monthan Air Force Base is run by two retired lieutenant colonels, one a veteran of World War II, the other from the Korean War era. They were not judge advocates. They simply

*A1C Kevin O'Brien, 305 AMW/JA, meets with claimants at Warren Grove*



*Base tax program at work*

enjoy helping people, and they've created a model, comprehensive tax assistance program run entirely by volunteers. Other bases use a civilian overhire, or a paralegal, or a JAG to run the tax program.

Our Field Support Centers will cross feed best practices. The JAG School, for example, is responsible for the tax program. The School will share information to help base offices shape a tax program that will most effectively meet local conditions. We can adapt to local capabilities and conditions on how to provide a tax program,

but every office will provide that service. Be flexible and do what works locally as you meet the JAG Corps standard to provide the programs that every base legal office is charged to provide.

I recognize that we have fewer people in many legal offices these days, and that trend will continue. We took some cuts under PBD 720 and we've made some moves under JAG Corps 21 initiatives. We have a heavy operations tempo and deployment requirements. But everything is manageable. As General Colin Powell said, "perpetual optimism is a force multiplier."

Consider the Claims Service Center. Some of their personnel were not volunteers. Some, frankly, had a negative attitude when they arrived. But they found the overall atmosphere to be so positive that it was infectious. They found it hard to complain because everyone was so upbeat. Fairly quickly, those with negative attitudes also become positive. And the Claims Service Center is a huge success story for the Air Force.

Orel Hershisser was a major league baseball pitcher, primarily with

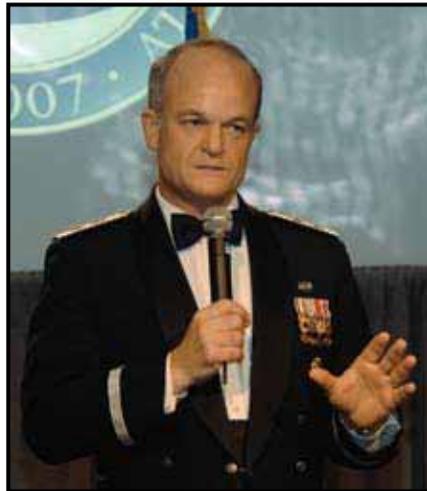
the Dodgers. One day before a game, someone said, “What’s your goal when you go to the mound to start a game? Is it to pitch a no-hitter?” Hershiser said, “No. My goal is to pitch a perfect game. If I give up one hit, my goal is to pitch a one-hitter.”

With JAG Corps 21 initiatives, we are not going to be perfect. We’re going to make mistakes. We need you to experiment, to try things that have never been tried before. Learning from mistakes is a critical part of improving, of doing things more effectively than they’ve been done before.

JAG Corps 21 is, of course, all about people. Understand who’s in our force. Of those on active duty today, nine out of ten people wearing the JAG and paralegal badges became members of the JAG Corps since the Gulf War began in January 1991. One out of two members of the active duty JAG Corps joined us after 9/11. And nearly one out of five members of today’s Corps joined us after the JAG Corps 21 initiatives were approved by the Chief of Staff in March 2006. Consider this as you lead a very diverse but extremely capable group. Everyone has different experiences. Leaders meld them into a team.

President Kennedy observed, “When you take a course of action, there are risks.” For the long-term benefit of the JAG Corps, it’s better to take risk than to continue “comfortable inaction.” JAG Corps 21 will continue to evolve, to best adapt our JAG Corps to the future needs of the Air Force. We need your help and your leadership to continue our innovations and

improvements. Great days are ahead of us if we have the vision, the will, and the leadership.



Benjamin Franklin served as a senior statesman during the Constitutional Convention of 1787. He was in bad health and didn’t say much during the proceedings. But as the Convention was wrapping up and the Constitution of the United States was ready to be signed,

he observed that from the first day, he had noticed the chair in which the presiding officer sits. George Washington sat in a very big wooden chair that featured a carved, gilded image of the sun. Ben Franklin said that through the Convention, he had frequently wondered whether it was a rising sun or a setting sun. He said the new nation was very fragile, and he didn’t know if we were at the end or the beginning. As the Constitution was ready for ratification, he said that it was finally clear to him that it was a rising sun.

That’s my message to you. We’re at the dawn of a new era. JAG Corps 21 is our plan for the 21st Century. Embrace your role as a leader; help shape the plan. Take advantage of today’s tremendous historical confluence of events that has given us great opportunities. Live and lead our Vision. Seize the opportunities!

*Whether at home station or deployed—live and lead our Vision!*



# PARALEGAL PERSPECTIVE

*The following remarks, which have been edited for this publication, were made by Chief Master Sergeant Avis R. Dillard-Bullock at the KEYSTONE Leadership Summit on 22 October 2007.*

*I am an American Airman.*

*I am a Warrior.*

*I have answered my Nation's call.*

*I am an American Airman.*

*My mission is to Fly, Fight and Win.*

*I'm faithful to a Proud Heritage,  
a Tradition of Honor,  
and a Legacy of Valor.*

*I am an American Airman.*

*Guardian of Freedom and Justice,*

*My Nation's Sword and Shield,*

*Its Sentry and Avenger.*

*I defend my Country with my Life.*

*I am American Airman.—*

*Wingman, Leader, Warrior.*

*I will never leave an Airman behind,*

*I will never falter,*

*and I will not fail.*

## **—The Airman's Creed**

Although the Airman's Creed is new, we've embodied its concepts since the establishment of the Air Force. It is an awesome opportunity to stand before you as your senior paralegal, to share some reflections and provide words of encouragement. I want to share with you the background of the paralegal paradigm: plant, water, and cultivate. Then I will provide a snapshot of historical accomplishments of the paralegal career field, some thoughts about our way ahead, and some leadership nuggets.

When I assumed this position, I wondered how I would get my arms around this awesome challenge. We



**CMSGT  
AVIS R. DILLARD-BULLOCK  
SENIOR PARALEGAL  
MANAGER TO THE  
JUDGE ADVOCATE GENERAL**

faced some significant hurdles. Our TJAG had stepped down. We were scheduled to do a major rewrite of the career field education and training plan, and the American Bar Association's approval of our Community College of the Air Force degree was close at hand.



More than ever, we needed a team. I did not believe I could move the career field forward without the help and expertise of our chiefs.

## **THE PARALEGAL PARADIGM**

I proposed to General Rives that

we hold a facilitated team-building workshop for our senior paralegals, and he wholeheartedly agreed. During that workshop, we learned a lot about ourselves and each other. We arrived as individuals, but we departed with a focus to work as a team. Having unleashed our efforts, we discussed an idea about the paradigm that would describe our efforts to lead and develop and motivate paralegals. We developed the paradigm—plant, water, cultivate.

This paradigm captures the stages as we transition through growth and maturity in the career field. As we rotate from base to base and section to section, it is important to understand the stage where you are operating as well as the stage at which the paralegals around you are operating. As one base or section may water, another may cultivate. This paradigm also serves as a leadership tool to bring awareness of the different stages to superintendents and noncommissioned officers in charge (NCOICs) as they provide leadership and training.

I began to share this paradigm with paralegals as they graduated from the apprentice course. I shared this framework as an analogy to describe their individual growth as paralegals as well as those with whom they worked. When talking with them, I explained how the three stages, plant, water, and cultivate, describe their growth and continued development.

The initial planting takes place at the JAG School while attending the

Apprentice Course. The Apprentice Course is designed to serve as a solid foundation. We provide new trainees with the basic skills needed to be successful paralegals.

When speaking to graduates, I encourage them not to forget what they learned at the school. They graduate from the Apprentice Course with the foundational knowledge and motivation to become a paralegal and support the base legal office. The course not only provides them the technical foundation, but it also starts their networking chain. The individuals they graduate with will be a source of information and expertise they can tap into throughout their career.

The planting stage is brief—once new paralegals arrive at their first legal office, they immediately transition to the stage of growth called watering. When you pour water, it may feel like a downpour to some instead of a shower. In the watering stage, paralegals receive critical on-the-job training in military justice or claims and complete their career development course (CDC). This initial watering culminates when they upgrade to the 5-skill level.

But whether paralegals are non-prior service students or retrainees, training does not stop there. Job training steps up as they rotate between areas of the office, getting fully trained in every section and preparing them for upgrade to the 7 skill level.

Through base-level training and the CDC, they grow to be technically proficient, professional paralegals. We are not content with only on-the-job training, and

paralegals return to the JAG School to attend the Paralegal Craftsman Course. Becoming a craftsman, a 7-level, is not to be taken lightly, because obtaining a 7-skill level moves a paralegal into the next stage of growth, the cultivating stage. After completing the Craftsman Course, paralegals return to their bases with the expectation that they are now craftsmen, and they transition to the cultivating stage. This stage is challenging and rewarding.

It is challenging because it includes pruning and cutting back of rough edges. They are no longer thought of as trainees, but rather as craftsmen. When a legal office gains a 7-level, they immediately expect a technically proficient performer. As a craftsman, a paralegal arrives with an inherent respect and high expectations from his or her legal office. Once a craftsman, each paralegal comes with an inherent guarantee that he or she will perform at a higher standard. It does not mean that he or she will have all the answers, but he or she knows where to find them.

The cultivating stage requires paralegals to go beyond their

comfort zone, beyond themselves. This is a difficult stage. In order to grow and develop, they will be pruned through constructive criticism from their peers, supervisors, and co-workers. They are expected to engage in positive conflict, holding others accountable and being held accountable. Their commitment to the office and co-workers may be challenged as they balance personal goals with organizational goals. I liken this pruning to a grapevine. If you do not cut away the excess leaves, you'll be left with a lot of foliage but few grapes. The pruning is needed to make them fuller and stronger.

Cultivating is also a rewarding stage as they have the opportunity to plant and water and cultivate others, to develop their replacement, to improve the training and mentoring that was imparted to them, and to be a valued contributor to the direction of the career field. Challenges in this stage turn into opportunities to excel. The time, effort, and commitment dedicated to their development have paid off. They are confident, dependable paralegals, supervisors, and leaders. They are able to train, instruct, and

*CMSgt Dillard-Bullock with paralegals at KEYSTONE*



## PARALEGAL PERSPECTIVE

set the example for others to follow. Paralegals never leave this stage. They will continue to be pruned so that they may continue to grow. If their growth and learning ceases, their effectiveness declines.

Our plant, water and cultivate paradigm illustrates the development of the overall paralegal career field. My predecessors knew that once the career field stops growing, we would become vulnerable to be merged with an administrative career field.

### HISTORY AND GROWTH OF AIR FORCE PARALEGALS

While preparing a speech for the 50th anniversary of the paralegal career field, I applied our paradigm to the career field's development. In researching our history, I found that the three stages, plant, water, and cultivate, were identifiable and easily applicable to the growth and continued development of our career field.

Prior to becoming a separate career field, paralegals were administrative specialists who moved from base to base with a letter in our records that detailed our work experience in the legal office. When administrative specialists moved, staff judge advocates (SJAs) would often

contact the gaining base SJA to help ensure these specialists were assigned to legal offices. This procedure did not guarantee that legal offices would receive quality administrative support.

Change was inevitable, establishing the foundation for a career field. Technical Sergeant Richard Belcher planted the seed that made us stand out as a specialty. In 1952, he trained himself to be a court reporter. Amidst debate and criticism over whether it was a good use of manpower, the career field was established in 1955. Paralegals became a sub-specialty of the administrative career field with the title legal services specialist, and we served as members of the JAG Department. For 15 years, we were without an enlisted leader, a voice, at the Air Staff. In 1970, Major General James Cheney, then TJAG, saw the need for an enlisted advisor who would develop, sustain, and train the enlisted force. His choice was Chief Master Sergeant Steve Swigonski, who in 1970 was named as the first Special Assistant to The Judge Advocate General for Legal Airmen Affairs. In 1991, the position was renamed the Senior Paralegal Manager to The Judge Advocate General.

Shortly after Chief Swigonski's appointment, the career field

transitioned to the watering stage. At the 1970 Pacific Air Forces (PACAF) Senior Paralegal and NCOIC Conference, the group drafted a list of recommended improvements for the career field, which was elevated to TJAG.

This list became a working document for our new enlisted representative. Chief Swigonski's number one challenge was first-term Airman retention, which was at zero percent. Chief Swigonski saw tackling the concerns from the PACAF Conference as a means to improve retention. The five major items that Chief Swigonski decided to tackle were training, recognition, a career field badge, enlisted assignments, and an enlisted representative.

The need for training was high on the list and an ongoing complaint from enlisted members. Air Force paralegals were previously trained at the Naval Justice School, where it was felt the curriculum was Navy-centered and more geared to the administrative specialist. In 1972, the Air Force Legal Services Specialist Course was established at Keesler Air Force Base. Keesler provided a facility where we could receive training in military justice, court reporting, and claims.

*CMSgt Swigonski, first Special Assistant to TJAG for Legal Airmen Affairs, meeting with paralegal trainees at Keesler*



The next item Chief Swigonski tackled was recognition. He successfully established the Paralegal Airman of the Year Award, later named the Swigonski Award.

Miller established a supervisory course for legal office NCOICs, which is now known as the Law Office Management Course. He also created the court

During the 1990s, we saw the growth of operations law as JAGs and paralegals deployed to support Operation DESERT STORM and other contingencies. During a three-year period, 400 paralegal positions were added to the career field. These additional positions resulted from a change in the manpower standard, which assumed that paralegals would assume some tasks previously assigned to attorneys.

*Give credit to those who deserve it. Be demanding, but also be fair and understanding.*

– CMSgt Steve Swigonski, USAF (Ret.)

Chief Swigonski also worked to develop a career field badge, but it would be 24 years before a paralegal badge was finally approved. In the interim, through Chief Swigonski's efforts, paralegals were authorized to wear a two-line name tag. This two-line name tag not only increased morale, but it also brought recognition and credibility to the career field as a separate specialty.

As a new specialty, paralegals needed a voice in the assignment of legal specialists. Chief Swigonski successfully advocated for a paralegal functional manager to be assigned to the Air Force Military Personnel Center (now AFPC) to advocate for the department in legal specialist assignments.

Overall, Chief Swigonski grew the paralegal career field, improving retention from zero percent to 50 percent. The PACAF Conference where the original work list used by Chief Swigonski was developed later became the Worldwide Senior Paralegal Workshop. Our work today is built on a legacy left by Chief Billy Miller, Chief Tom Calstleman, and others at that PACAF Conference.

Continuing on the path started by Chief Swigonski, Chief Billy

administrator position to oversee circuit administration and defense paralegals. It was Chief Miller who started the practice of traveling with TJAG on Article 6 visits.

This period also saw automation of claims and military justice. In response to a manpower study, Chief Castleman secured 100 positions to increase career field manning, thus beginning the paralegal active recruiting program. In 1978, the Share-the-Wealth Program was launched, integrating Reserve paralegals. In 1979, the Legal Specialist CCAF degree was established, and Staff Sergeant Jimmy Unroe became the first recipient a year later. In 1983, the Outstanding Reserve Legal Specialist Award was established.

The career field went through significant changes in the 1980s and 1990s. A stand-alone Air Force speciality code (AFSC) for legal specialists was created, and we formally became known as paralegals. This eliminated other discussions about merging the career field with the administrative specialty. Before becoming a stand-alone career field, only administrative specialists could become paralegals, but now the field opened to all Air Force AFSCs.

In 1994, the Apprentice Course moved from Keesler to the JAG School at Maxwell. This consolidation of training resulted from an initiative that took years to gain approval. JAGs and paralegals who worked together now trained together. After several years of unsuccessful attempts to gain approval for a career field badge, the Chief of Staff authorized specialty badges for all career fields in 1994. In 1995, with then-Colonel Jack Rives as the commandant and Senior Master Sergeant Sue Miller as the superintendent of the JAG School, the first Paralegal Craftsman Course was held at Maxwell. Also in the 1990s, court reporting training was removed from the Apprentice Course. Training each paralegal in closed microphone court reporting was determined to be unnecessary because most offices had civilian court reporters.

Manpower increases afforded paralegals the opportunity to attend additional JAG courses. Major General Nolan Sklute called paralegals an effective force multiplier, and he supported expanding their training opportunities into specialized areas of law. The term "enhanced paralegal work" was also coined. The department changed policy

## PARALEGAL PERSPECTIVE

and expanded the types of tasks paralegals were authorized to perform. Interestingly, during this period, the demographics of the career field also changed, as we went from a male-dominated career field to a female-dominated career field.

Since the beginning of the 21st Century, we've seen the JAG Department become the JAG Corps, the successful retraining of senior master sergeants, and the implementation of our non-prior service program for new paralegal accessions, which will assure our ability to sustain the career field in the future.

Last year, we were finally successful in garnering ABA approval of our CCAF paralegal degree. This accomplishment took us 15 years to complete. In August of 2006, Master Sergeant Andre Allen and Technical Sergeant Heather Lay became the first active duty and Air Reserve Component paralegal, respectively, to receive the ABA-approved CCAF degree. Since their graduation, 103 paralegals have received their degree. Plans are now in place to establish an Armed Forces Chapter of the National Federation of Paralegal Associations, a joint venture with our sister-service counterparts. This organization offers credentialing, continuing legal education, and training for paralegals.

I share this history with you so that you may know the small seed planted by TSgt Belcher was watered by our predecessors to develop the strong roots that have brought us into the 21st Century. The process of planting and watering takes time, but the time is well spent, as it

provides a firm foundation in which to continue our growth.

### OUR CHALLENGES AND OPPORTUNITIES

Now we are at a time of great change, and we must cultivate the career field for it to continue to blossom and thrive in a new environment. Planting and watering is a never-ending commitment. Our efforts have blossomed and yielded an exceptional career field with outstanding professional paralegals capable of providing quality legal service and leadership. Yet we must prune and grow to meet today's challenge and further succeed.

The Claims Service Center is up and running, and it is a banner project for JAG Corps 21 and Air Force Smart Operations 21. The Claims Service Center is 68 percent manned for paralegals, and the men and women at the Claims Service Center are setting standards for other claims centers to follow. They are providing an example for the carrier industry to emulate. They are cultivating our future. They are providing world-class service to our Airmen. We must ensure that we take care of the people assigned to the Claims Service Center.

Our enlisted court reporters provide an opportunity for us to work with our service counterparts in joint training. We have teamed with the Army to provide and receive training, and we share equipment and court reporting services that are interchangeable between the services. When Guantanamo stood up, the services were using different equipment. Now, all the services have standardized court reporting equipment, and in the

joint environment, when we take hearings at Guantanamo, it doesn't matter whether you're wearing the blue suit or the green suit, the equipment is the same.

We recently saw the release of the JAG Corps policy memorandum on optimum utilization of paralegals. This policy may seem like a small accomplishment, but it is no small feat. It is the culmination of 50-plus years of effort to define our role. What operations law and JAG-Flag did for the deployed JAG and paralegal team, this memorandum does for the home station team. I challenge you to make optimum paralegal utilization a reality. The new policy memorandum provides the opportunity to build skills to augment your office. The mission start up may be difficult, but the payoff will be a force multiplier. Your paralegals are craftsmen that come with a guarantee. Give them opportunities and they will rise to the challenge.

The struggles and perseverance of our predecessors have made it possible for us to move from detailed training to a stand-alone career field; from data automation to web-based real time information; from Viet Nam to IRAQI FREEDOM; from Rhode Island to Maxwell; from manning support to combat Airmen; from a subspecialty to the second highest educated career field in the Air Force. Due to the efforts of our predecessors, today's paralegals are living their Vision and more. They are prepared, as we make the transition of JAG Corps 21. We are not asking to do more with less, but to optimize the resources we have. Leadership is the key to the success of this transition.

## THOUGHTS ON LEADERSHIP

Throughout my career, I have had people who taught me positive lessons that were the catalyst that

to articulate facts than to defend my feelings. Brigadier General David Ehrhart taught me the importance of integrity in all I do. He taught

*Not much emphasis was placed on leadership when I became a paralegal. Common sense seemed to be a key factor. Today we have junior leadership schools, first sergeant schools, NCO Academy and Senior NCO Academy. Leadership is now recognized as an important skill that all NCOs must learn.*

– CMSgt Gerald E. McAteer, USAF (Ret.)

moved me to the next level. Taken from John Maxwell's book, *The 21 Irrefutable Laws of Leadership*, I call them my lid lifters. Alone, you can only go so far until a lid lifter steps in and lifts the lid that may be holding you back from being an effective leader.

Let me tell you about the lid lifters in my career. Staff Sergeant Melinda Perry, some of you may know her as Senior Master Sergeant Hartwell, taught me to think before I speak. Everything that pops in my head should not come out of my mouth. She also trained me to read the regulations and the UCMJ and to let my work speak for me. Technical Sergeant Jeri Bell taught me to look at both sides of an issue before I make a judgment, and she taught me not to be impulsive. Then Senior Master Sergeant Carolyn Hairston taught me how to lead my peers, lifting my lid of fear.

Colonel Tony Dattilo taught me to be decisive. He did not ridicule me for making a wrong decision, but he took the time to mentor my decision making process. Major General Charles Dunlap and Colonel John Kellogg taught me to stick to the facts rather than feelings when making decisions, because it is easier

me that if you can be honest in the small things, the big things will be easy.

Another law from the *The 21 Irrefutable Laws of Leadership* is the law of navigation. Anyone can steer a ship but it takes a navigator to chart the course. For me, General Rives epitomizes this leadership quality. In a difficult period, he navigated the healing process of the Corps. And he saw beyond just healing, he led us to thrive.

I would like to leave you with a few leadership methods I've grown and developed over my career. I've learned that being a senior leader is not about me. Focus on serving others, and God will take care of me. I've learned that my attitude is a choice. Life is ten percent what you make it and 90 percent how you take it. The circumstances might not be of your choosing, but your attitude will be. It's easier to maintain the right attitude than to regain it, so fight to maintain a positive attitude.

We often think courage is only required during danger or stress, but courage is an everyday test. One of the JAG Corps' Guiding Principles is Valor, and General

Rives described how we in the JAG Corps display Valor by providing the right answer even when it is not the popular one. We willingly step up to decisions and courses of action that involve risk, opposition, adversity, and difficulty. We must express our convictions when others challenge us and respectfully disagree without being disagreeable.

Make the effort to plant, water, and cultivate. Today's paralegal is vital to the success of JAG Corps 21 and is up for the challenge. You will find today's paralegals receptive to your efforts. They have the positive can-do attitude and core competencies necessary for success. They are the true embodiment of an Airman as detailed in the Airman's Creed. They are warriors, answering their nation's call.



We have the right environment, and this is the right time for change. We certainly have the right people in the paralegal career field. Present them with any challenge to support our Air Force and our JAG Corps, and they will not fail.

# AIR FORCE RESERVE PERSPECTIVE

*The following remarks, which have been edited for this publication, were made by Brigadier General Loren S. Perlstein at the KEYSTONE Leadership Summit on 26 October 2007.*

The Judge Advocate General's Corps Reserve is privileged to be a part of the Total Force, active, Guard, and Reserve, all working toward the same goal: the furtherance of the mission of The Judge Advocate General's Corps, the Air Force, and the United States of America. There have been and continue to be some significant challenges, but I am happy to report that this has been a very good year for the Reserves, and I want to describe our accomplishments. It has been a year of boundless dedication and unparalleled patriotism on the part of Reserve judge advocates and paralegals. While there are many accomplishments to be proud of, there are always a few things we could have done better. Those things, among others, will set the roadmap for this coming year. There are also some important areas where the Reserve could use the help of active duty staff judge advocates (SJAs) and I would like to mention them as well.

This year, I assumed the position of Mobilization Assistant to TJAG from Major General Richard Roth. General Roth made incredible contributions to the JAG Corps Reserve guiding us through the most difficult period in our history following the devastation of 9/11. He transformed us from a strategic



**BRIG GEN  
LOREN S. PERLSTEIN  
MOBILIZATION ASSISTANT  
TO THE JUDGE ADVOCATE  
GENERAL**

reserve to an operational force. He was a valued mentor to many of us and an inspirational leader. He is greatly missed.



The JAG Corps Reserve members were involved in every facet of our legal practice. Reserve judge advocates performed over 30 percent of Article 32 investigations, prepared 6700 civil law opinions, counseled over 5000 legal assistance clients, provided

over 3000 hours of information technology support to JAS, litigated over 200 labor and employment cases, and much more.

Home station support absolutely remains our most important and critical Reserve mission, and we continue to excel. This year, reservists supported an unprecedented 98 percent of all home station support requests—1300 weeks of duty in active duty offices easing the load as our active duty colleagues deployed. That response is even more impressive when you consider that 50 percent support was set as a program goal based on our limited numbers and other obligations. But despite this amazing response, we will need to increase our efforts. The number of deployments continues to rise. We need to insure that active duty SJAs know about the program and know how to request support.

But in addition to home station support, the JAG Corps Reserves has actively contributed to the JAG Corps total deployment requirements. Approximately 22 percent of those deployments all over the world were sourced from the Air Reserve Components. This is in stark contrast to the commitment early on to perform ten percent of the deployments. Reserve judge advocates and paralegals served with distinction at numerous locations and positions in Iraq, Afghanistan, Guantanamo, South America, and assorted United States locations.

To put the year's accomplishments in perspective, if our reservists just did the training they're required to do, 24 inactive duty training (IDT) drills and 12 days of active duty, they would have performed 16,500 man days. Instead, they performed 52,000 man days. That's a 314 percent return on investment, the equivalent of providing 200 additional full time bodies, judge advocates and paralegals, to the JAG Corps. Even more impressive is the increase over the previous year. Last year, the JAG Corps Reserve performed 42,000 mandays. Reservists performed 10,000 additional man days over last year with no increase in manning. That's impressive!



*Maj David Houghland, AGR, AFJAGS*

Last year Maj Gen Roth reported on the need to maintain participation flexibility in order to maximize opportunities and volunteerism. He also described the need to respect reservists' time and eliminate unnecessary requirements and activity. This year we made some very positive inroads regarding this advice.

We've had some great initiatives this year. I just want to tell you

very briefly about a few of them. First, TJAG doubled the number of telecommute IDTs that our Category B individual mobility augmentees (IMAs) are allowed to perform from four to eight days with the approval of their active duty supervisor. That's eight out of twelve days. That means we can do two-thirds of our duty at our homes or our offices to support the active duty mission. SJAs should take advantage of that. It's good for active duty legal offices and it's good for reservists.

With the strong support of TJAG, the Reserve Forces Judge Advocate Course (RFJAC) was reduced from one week to two days. Approximately 95 percent of the target training previously accomplished in the week-long course is covered in the two-day weekend course. This is a great news story. Huge demands are already placed on reservists. The streamlined course permits reservists to spend greater amounts of time with their families, their jobs, and their active duty offices. Furthermore, as the course is held twice a year, it returns two weeks to the stressed JAG School schedule. The course has already been extremely well received. We also established an Active Guard/Reserve (AGR) position at the JAG School. The person in this position will exercise primary responsibility for the development and execution of all ARC-exclusive courses and the inclusion of the ARC in all other courses principally designed for active duty audiences.

Several years ago, we launched the Reserve Orientation Course (ROC). It was designed to introduce new reserve judge

advocates to the tools, policies, and processes they need to master to have a successful reserve career. Unfortunately, post-9/11 funding shortages caused us to put the course on hold. Thanks to the hard work of Colonel Bill Druschel, the SJA at Air Force Reserve Command (AFRC), we were able to reinstitute the course this year. It, like the shortened RFJAC course, received rave reviews. We expect to hold the course again in spring 2008 and in future years.



*AFRC/JA staff*

A special debt of gratitude goes to the Junior Officer Counsel (JOC) for their hard work in putting together the ROC and several other initiatives. The JOC has been revitalized this year and is an important and vital link between our JAG Corps Reserve Executive Council and our field grade officers. Junior officers are encouraged to communicate their needs and concerns through their JOC representative.

Col Druschel and his AFRC/JA team have provided incredible support to the JAG Corps Reserve. He masterfully obtained four additional active duty judge advocate billets at his Category A unit bases and 22 additional traditional Category A Reserve

# THE FIRST IRAQI POST-CONFLICT COURT-MARTIAL

Members of the JAG Corps may not give much thought about the origin of our courtrooms and our military justice facilities and processes during our daily practice. But when Lieutenant Colonel Steve Argiriou deployed to the Multi-National Security Transition Command-Iraq (MNSTC-I) in Baghdad, Iraq, he saw firsthand what it takes to build a justice system and the rule of law from the ground up.



**LT COL STEVE ARGIRIOU**  
413 FTG/JA  
ROBINS AFB, GA

The new Iraqi Military Penal Code became effective in summer 2006, and the new Iraqi Military Justice Procedural Law was effective in September 2007. Combined, these laws equate to our Uniform Code of Military Justice. The Iraqi military justice system operates under the “judicial tribunal” system, which means there are no juries. Lt Col Argiriou worked closely with Iraqi military judge advocates who were serving as legal advisors to the courts-

*MNSTC-I OSJA staff inspecting interior construction of the Iraqi Military Court of Cassation*

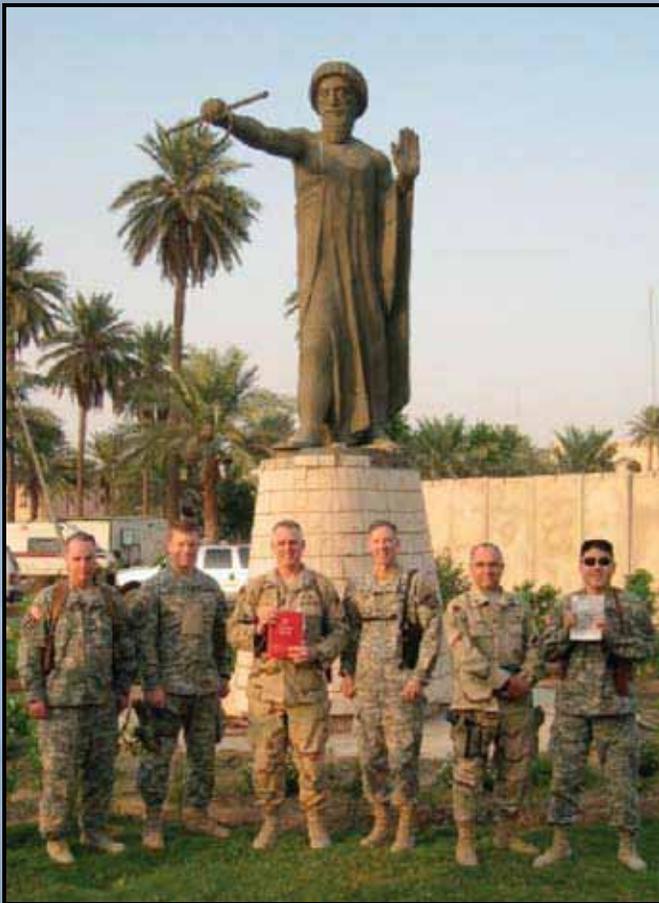


In November 2007, the new Iraqi Armed Forces held the first post-conflict court-martial in the newly built Baghdad Central Military Courthouse located “outside the wire” adjacent to Headquarters, 6th Iraqi Ground Forces Division. Serving as chief, operational law/military justice in the Office of the Staff Judge Advocate for MNSTC-I, Lt Col Argiriou and the members of his office played a pivotal role in obtaining the funding for and advising/supervising the site selection, design, construction, equipping, and training of many key court personnel (including the judges) for this court house, the nearby Iraqi Military Court of Cassation (Appeals), and several other military court complexes nationwide.

martial. Speaking about these Iraqi attorneys with whom he worked, Lt Col Argiriou noted, “I found Iraqi legal advisors, regardless of rank or age, to be intelligent, educated, polite, in good humor, and dedicated to the rule of law.”

The historic court-martial Lt Col Argiriou observed reviewed charges alleging an Iraqi jundi (private) was insubordinate and committed a battery against an Iraqi first lieutenant. The chief judge, a brigadier general, eventually called for a recess and directed the case be investigated further. The judge explained that after hearing the witnesses, he was concerned the alleged victim may have been culpable for conduct unbecoming an officer. The court was reconvened and the jundi was convicted and sentenced to three months confinement. The judge also reviewed the supplemented case file to consider whether to charge the officer with conduct unbecoming.

When the trial concluded, the chief judge told Lt Col Argiriou and other members of MNSTC-I that he was honored to have presided over the first post-conflict court-martial. He said that he had waited decades for a fair military justice system in Iraq, and he thanked the team for their support in building and equipping the modern court over which he presided. About the experience, Lt Col Argiriou notes, “I believe the history books will note this effort to bring the rule of law to the Iraqi Armed Forces and how the Air Force JAG Corps was a full participant.”



*MNSTC-I OSJA staff in Baghdad, Iraq*



*MNSTC-I OSJA staff during a court recess*

Lt Col Argiriou is a traditional Category A reservist who serves as the Staff Judge Advocate, 413d Flight Testing Group, Robins Air Force Base, Georgia. During his deployment, he is on military leave from his civilian employment with the U.S. Department of Homeland Security where he serves with the Federal Law Enforcement Training Accreditation Board, Glynco, Georgia.

positions. This not only reflects incredibly well on him, but it tells you what commanders think about what we do for them. Commanders willing to give us 22 additional bodies is another great news story.

In spring 2007, as part of JAG Corps 21, TJAG asked us to study whether any changes were needed in the way Reserve support is provided to the JAG Corps. He asked us to take a particularly close look at the Field Support Centers (FSCs). All ideas were on the table, but ultimately we determined that we had it pretty close to right. Attaching IMAs directly to active duty legal offices under the supervision of active duty training

supervisors is the way to go. It meets our force structure needs and maximizes our support and training. Not surprisingly, not a single active duty SJA was willing to give up any of their Reserve support—that speaks well of what reservists bring to the fight. Ultimately we decided on a two-part plan. First we will attach IMAs to the FSCs as we would any other traditional legal office. Second, we will soon announce a robust certification plan that will allow reservists not attached to an FSC but who have the requisite background to certify their credentials and perform voluntary tours in support of the FSCs. This will allow us to leverage the vast amount of untapped talent in the

ARC. Roster is currently being updated to capture this process.

We started another highly successful new course this year, the Commander's Legal Information Course (CLIC). It is designed to provide unit commanders and first sergeants with the legal tools they need to be effective in today's complex world. They are presented with an intense two-day agenda on legal topics and seminar problems on current issues. We are grateful to our Air National Guard colleagues for their support in this endeavor.

Our newest initiative, called the Warrior Liaison Program, provides support to deployed Reserve



*TSgt Alexandra Gamiere in Qatar*

members and their families. It is not unusual for a reservist either to live a great distance from their attached training location or to be filling a deployment need tasked to a different organization. As a result, the support to our reservists has been spotty in the past. The program calls for a one-on-one pairing between a volunteer warrior liaison officer and the deployed member and his or her family. We expect this program to yield great rewards, and I look forward to reporting on it next year.

There are more Reserve challenges than ever. I have spoken and written about this frequently. It's never been more difficult and more demanding to be a reservist—getting on the computer, obtaining orders, scheduling physicals, and much more. While it's never been harder to be a reservist, it's never been more important to the Air Force and our nation. We need the help and support of our active duty supervisors as we work through these challenges. When a reservist comes to their SJA seeking help, please try and help them resolve their problems. They are there for you—we need you there for them.

Recruiting is the lifeblood of our organization. And that mostly means active duty JAGs and paralegals transitioning to the Reserve. Every time we bring an active duty JAG or paralegal into our program, we're really returning him or her to an active duty office, which benefits everyone. Please, please, please, help us recruit. Identify separating members early and explain the benefits of continuing their Air Force career as an ARC member. We can help you do that. Talk to your Reserve coordinator or senior IMA for help in this important area. As we close out the year, the Reserve is manned at over 95 percent and while we remain a very healthy program, we always have opportunities for quality people.

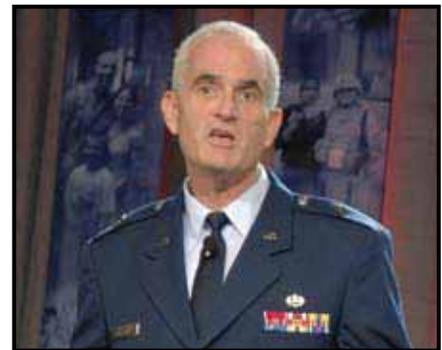
It's critically important that reservists, especially paralegals, get full-spectrum training in all facets of our legal practice. Everything they do for you and the Air Force depends on it. We cannot be effective in the deployed environment without that training. It is every SJA's obligation to ensure that we get it. So please help.

Feedback is critical. What am I talking about? When reservists leave their homes and their employers to come to an active duty office, they want to do a good job. They have pride in their work. If SJAs are not happy with

that work product, they must tell the reservists. Help the reservists perfect their work product. They want to be productive and they want to get it right!

And finally, if you depend on the work reservists are doing for you and if you like having them come into your offices, please budget the travel and per diem expenses necessary for those military personnel appropriation (MPA) mission support tours. I believe the money is there. Those who have gone to their commanders to express how important reservists are to their organization have been successful in obtaining those funds. So again, if you want the Reserve to keep doing 52,000 or more man days, please work on the budget side of it.

Again, it was a truly successful year filled with great accomplishments. Your Reserve colleagues are extremely proud to be part of the total team and look forward to even greater things in the year to come.



*Brig Gen Perlstein at KEYSTONE*

*Today's judge advocates and paralegals ask more questions and demand more answers than we did in my early days. They want to ensure that "we" do the right thing. It is no longer sufficient to say "do it because I say so"—at any level. Even in the military, some explanation may be required.*

– Maj Gen Richard D. Roth, USAFR (Ret.)

# AIR NATIONAL GUARD PERSPECTIVE

*The following remarks, which have been edited for this publication, were made by Major General H. Ray Starling, Jr. at the Keystone Leadership Summit on 26 October 2007.*

This past year generated even more continuous change, challenge, and opportunity for the Air National Guard (ANG) as it endeavored to meet its expanding federal commitments and fundamental state responsibilities while dealing with substantial changes in its force structure, bases, and missions. Many of these changes represent the evolution of the ANG from a strategic reserve to an operational force fully integrated with the Air Force and the Air Force Reserve. More changes are on the way as the ANG steps up to meet new challenges with our deployed mission, federal training, and homeland defense responsibilities without neglecting our critical state obligations. ANG judge advocates and paralegals continue to be fully engaged at the forefront of this change.

## TOWARD A NEW AIR NATIONAL GUARD

Despite base realignment and closure (BRAC), Program Budget Decision (PBD) 720, budget cuts, wartime operations, recruiting challenges, aging equipment, fleet recapitalization, net loss of aircraft, and expanding missions at home and abroad, the ANG has managed to maintain a community presence in every state and territory while meeting both its state and federal obligations. This broad community



**MAJ GEN  
H. RAY STARLING, JR.  
AIR NATIONAL GUARD  
ASSISTANT TO THE JUDGE  
ADVOCATE GENERAL**

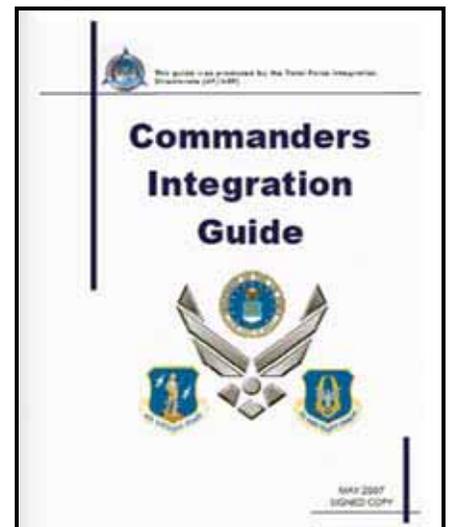
presence is a major source of the Guard's strength and unique value to our states and nation.



The ANG JA team at all levels worked closely with everyone from unit commanders to senior Pentagon officials to ensure that, as we transition to new missions, we identify and resolve the many legal issues presented by this radical new change. Our base-level judge advocates and paralegals

have performed incredibly well in working these new missions while at the same time maintaining their proficiency, supporting their wings, and actively contributing to the JAG Corps operational mission.

Total Force Integration (TFI) continues to be the big driver of change in the ANG. While there are ongoing issues still yet to be resolved, the TFI process now has guidance and standards in the form of Air Force Instruction 90-1001, *Responsibilities for Total Force Integration*, and the Commander's Integration Guide, principally formulated by ANG JAGs, Colonel Clyde Mathews (VA ANG) and Colonel Pete Masciola (MA ANG), working closely with AF/JAA.



In support of this effort, the TJAG ANG Council has established a TFI working group of senior ANG judge advocates who will be available to assist base-level JA teams and avoid them having to reinvent the wheel. More importantly, this

working group will facilitate the development of consistent legal policies across the board as units face new challenges in their TFI efforts.

An important part of this effort is the Model State Uniform Code of Military Justice. Many of the TFI initiatives now and in the future will involve associate units, where ANG members work side by side with active duty and Reserve members in a single unit. Associate ANG units are planned or already in place at Langley Air Force Base (F-22), Elmendorf Air Force Base (C-17), Hickam Air Force Base (C-17 and F-22), Hill Air Force Base (F-16), and Cheyenne Air Guard Base (C-130), with more on the way. The Model State Code will enable states to adopt consistent disciplinary tools to ensure that there is some basic uniformity between the treatment of active duty, ANG, and Reserve members when discipline is necessary. Since the Model State Code is a matter of state law, the TJAG ANG Council also established



*Lt Gen Blum and Lt Gen McKinley*

a working group to assist states with developing state legislative initiatives to enable adoption of the Model State Code.

## **DIRECTION FROM THE TOP**

Leadership direction this year from Lieutenant General H. Steven Blum, Chief, National Guard Bureau (NGB) and Lieutenant General Craig McKinley, Director, ANG has centered on maintaining a healthy balance between the Guard's state and federal missions. The message from NGB has been to focus on the enduring priorities of the ANG: securing the home front, developing adaptable Airmen, and putting Airmen (and their families) first.

The ANG continues to play a lead role in securing the home front from attack by air, and our ANG legal team has been an indispensable player in the Air Force Northern Command and Continental U.S. NORAD Region mission. However, developing adaptable Airmen will require that we move away from being an airframe-based force and towards being a capabilities-based force. We must train our Airmen to engage in new missions that may not have a flying component, but are just as critical to our nation's defense, such as weapons of mass destruction response, and space, cyberspace, and intelligence operations. Each of these new areas presents unique legal challenges that must be fully coordinated with the active duty Air Force to ensure legal and operational consistency across the board. The ANG legal team has embraced Lt Gen McKinley's maxim of "Putting Our Airmen (and their families) First" by joining the Air Force Reserve JA initiative that focuses on providing critical support through pre-deployment, deployment, and redeployment for

our members who have stepped up to take on deployed missions. This effort augments the robust family support efforts at base level in both the ANG and Air Force Reserve unit programs and provides a critical link within the JAG Corps to our deployed members.

## **RECRUITING AND RETENTION**

While retention in the ANG has been very good, overall recruiting efforts within the ANG have been a major challenge. The ANG missed its enlisted and officer recruiting goals in 2007. Longer and more frequent deployments will very likely impact recruiting and retention further in 2008.

Yet, ANG JA recruiting and retention remained strong, with staffing at nearly 100 percent for judge advocates and 90 percent for paralegals. Most of our force is drawn from active duty Air Force judge advocates departing active duty. Increasingly, we are seeing more members moving from and to other Air Reserve Component (ARC) JA programs. This movement enhances the strength and depth of our force, especially as the TFI tempo picks up. Experience in more than one ARC component provides unique insights that immeasurably increase the value of our judge advocates and paralegals to their units and to the Air Force.

## **WORLDWIDE—THE GUARD IS IN THE FIGHT**

In addition to being in a constant deployed mode for the last 17 years, on an average day during 2007, the National Guard has had between 40,000 and 55,000

Army and Air members deployed outside continental United States (OCONUS) in Title 10 status throughout the world. And, on an average day the Guard has had 12,000 personnel performing continental United States (CONUS) domestic operations in Title 32 or state active duty status, including border security, counter-drug, air sovereignty, and disaster response operations.

The ANG's daily contribution to the total Guard mission has been roughly 3000 Airmen performing domestic operations and 6000 deployed OCONUS (4500 of whom are volunteers), with 100 aircraft OCONUS and 1000 aircraft in CONUS on domestic and training missions. The ANG provides 60 percent of the Air Force tanker capacity, 45 percent of the Air Force airlift, and all of the homeland air defense capability. Approximately 18 percent of every air and space expeditionary force (AEF) rotation is made up of ANG members, with 14,000 Airmen deployed in 2007. And we now have ANG aircraft and personnel on every continent, including Antarctica, with ski-mounted C-130s from the 109th Airlift Wing at Scotia, New York.

Operational reserve missions for the ANG are also expanding dramatically. These are Title 10 missions that have evolved for the Guard as a result of BRAC restructuring, active duty needs, technology improvements, and the unique capabilities of the Guard. Besides the 1st Air Force air defense mission which the ANG has had for years, the ANG is now taking on a mix of unmanned aerial vehicle (Predator) control, distributed

ground systems, and space, cyberspace, and intelligence operations. These operations create many new and novel legal issues for judge advocates. They also put more of the ANG directly in the defense of our nation on a continuing basis. Managing this change in the scope of the ANG mission without losing our Guard identity and values will be a challenge.



*Maj Monsey, DC ANG*

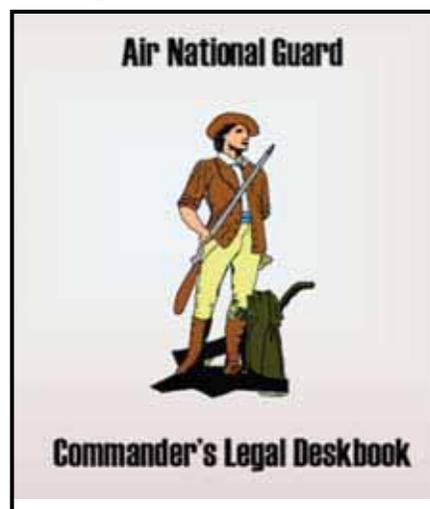
The ANG judge advocate and paralegal contributions to our state and federal missions have been equally remarkable. During 2007, 45 ANG judge advocates and paralegals deployed to federal missions CONUS or OCONUS for tours ranging from 15 days to 730 days, with most in the 60-179 day range. Eighteen of these deployments were to the Central Command area of responsibility. The record-holder for time in theater thus far is Major Chris Monsey (DC ANG) who returned (with a Bronze Star) in January 2007 from 20 months at Camp Victory, Baghdad, Iraq, where he served as the chief of procurement and fiscal law at Multi-National Corps – Iraq.

Back at their home units, other ANG judge advocates and paralegals have assisted in preparing members of their units and their families for OCONUS deployments and activations for state duty, including tornado rescue and recovery, winter storm relief, and forest fire suppression.

JA deployed tour lengths are increasing. This translates into a smaller pool of ARC members who can comfortably handle a lengthy deployed tour without jeopardizing their private practices or civilian responsibilities. Increasingly, ANG judge advocates and paralegals perform home station support missions in active duty legal offices that have manning shortages due to AEF commitments. Greater ANG JA involvement in the very successful home station support program is one of TJAG ANG Council's top priorities for 2008.

**TJAG ANG COUNCIL  
PRIORITIES AND  
OBJECTIVES**

The TJAG ANG Council continued to develop and improve its flagship programs: the ANG Commander's Deskbook; the Commander's Development Course (CDC); and



# SPOTLIGHT ON... AN AIR NATIONAL GUARD MEMBER

Lieutenant Colonel Vicki Doster has been a Guard member for her entire military career, but she has had a remarkable diversity of Guard and active duty experiences which show the opportunities that the Guard's evolutionary process has opened up for today's citizen-Airmen volunteers.

Most recently, Lt Col Doster returned from a volunteer deployment to Baghdad, Iraq, where she served as the Chief, Administrative Law, Office of the Staff Judge Advocate, Multi-National Security Transition Command-Iraq from August 2006 to October 2007. It was during this extraordinary tour that she was awarded the Bronze Star for exceptionally meritorious conduct in the performance of outstanding achievement to the United States in a combat zone.

*Gen Petraeus with Lt Col Doster*



**LT COL VICKI DOSTER**  
**134 ARW/JA**  
**MCGHEE TYSON ANGB, TN**

Lt Col Doster was commissioned through the Academy of Military Science (AMS) at McGhee Tyson Air National Guard Base, Tennessee, in 1987. She served as a traditional transportation officer immediately following AMS. In 1989, she was selected for a full-time technician logistics position and in 1990 her logistics career broadened when she was selected for the supply management and systems officer position. In 1993, Lt Col Doster joined the Alaska Air National Guard as a traditional supply operations officer and was selected in 1994

for the aerial port commander position. In 1997, Lt Col Doster joined the JAG Corps. In March 2000, she joined the Tennessee Air National Guard as a traditional guardsman at McGhee Tyson Air National Guard Base where she now serves as the staff judge advocate for the 134th Air Refueling Wing. She is licensed to practice law in Ohio.

From November 2001 to April 2004, Lt Col Doster was on active duty supporting the Global War on Terror, serving 16 months at the Air National Guard Readiness Center Crisis Action Team, Andrews Air Force Base, Maryland, as a lead executive officer and 12 months as the chief, expeditionary ARC forces on the Air Staff at the Pentagon. She provided legal support to the First Air Force/Continental NORAD Region Combined Air Operations Center from November 2005 to January 2006.

Did we mention that Lt Col Doster has also found time to raise a family during her career and that her four grandchildren were very happy to have their decorated grandma back home again from Iraq?

*The values and traits that characterize a true leader do not change—they are timeless. The circumstances in which you function, the resources available to you, the demands on your time, your taskings/roles/missions, the complexity of tasks...all those may change, but not the fiber that makes a great leader.*

— Brig Gen Jarisse J. Sanborn, USAF (Ret.)

the Contemporary Base Issues Course (CBI). Colonel Vicky Reardon (MN ANG) continues as managing editor of the deskbook, regularly publishing new articles and updates, thereby ensuring the deskbook's continued value to all who use it. As a tribute to the deskbook's success, it routinely rates as one of the top hits on the Air Force Portal and can be found in hard copy in virtually every ANG commander's office. Colonel Chuck Miller (WV ANG), CDC Course Director, has put together a team of instructors that has perfected the art of training new commanders on how to handle the legal issues they will face. This concentrated one-day course is taught two to three times a year and reaches every commander in the ANG. Lieutenant Colonel Kerry Muehlenbeck (AZ ANG) continues as the very popular CBI Course Director. In 2007, the CBI course reached close to 500 ANG commanders, first sergeants, and supervisors with two intense, but entertaining days of learning how to manage the typical legal and practical issues that arise at base level. Attendance at CBI is now mandatory before new commanders are allowed to attend the CDC.

Brigadier General Andrew Turley (MA ANG, ANG Assistant to ACC/JA), working closely first with Colonel (Ret.) Ken Emanuel and later with his replacement at Secretary of the Air Force Inspector General (SAF/IG), Colonel Brian Newby, refined the ANG JA comprehensive inspection checklist that takes into account the unique characteristics of a Guard operation. This checklist is now available to Guard units and is being used to measure the

right things for ANG legal offices during inspections. It will soon be promulgated to the field as a TJAG policy letter. In addition, the council formed a working group chaired by the new ANG Assistant to SAF/IG, Colonel Brian Newby (TX ANG). This group will provide support and mentoring to ANG legal offices preparing for inspections.

Brigadier General Jeff Lawson (CA ANG, ANG Assistant to AMC/JA) has taken the lead in providing professional oversight to the ANG paralegal program and managing initiatives to enhance paralegal leadership, training, quality performance, and professional opportunities. General Lawson has also been working with Chief Master Sergeant Andy Stadler (IN ANG, ANG Paralegal Career Field Manager) to lobby the NGB for additional allocations of E-9 slots for our paralegal leadership development. With by far the highest paralegal to chief master sergeant ratio of any of the air components, we are hopeful that at least two additional E-9 slots for our paralegal leadership will be forthcoming from the NGB in 2008. Finally, on the paralegal front, the October 2007 TJAG Policy Memorandum on Paralegal Utilization opens the door for us to make more efficient and expanded use of the talents and capabilities of our paralegals. Under the supervision of General Lawson and Chief Stadler, we intend to do just that.

In a further effort to better manage the expanding areas of legal concern facing the ANG in a total force environment, the council

has assigned specific functional areas of responsibility to each of its members and national level associates. The assigned member is responsible for managing his or her area of responsibility and for being the point of contact for resolving issues arising in that area, as well as taking any necessary initiatives. The expanded ANGLYNX website on FLITE will be the repository for information and data related to the functional areas where appropriate.

Generals Lawson and Turley will take the lead on force development initiatives for 2008. A principal council objective is to reach out to encourage more participation in national-level activities by judge advocates and paralegals in the field. Promoting diversity and wider participation are two key goals that our senior leaders will focus on as we move into 2008. Part of our force development initiatives is to ensure enhanced preparation for deployments. Brig Gen Turley has worked these issues with our active duty and Reserve counterparts, and he will be sure that everyone who deploys is fully mission capable from day one on the ground.

The ANG has also fully embraced participation in the Field Support Centers. All ANG judge advocates will be encouraged to certify specialties in civilian or military law so that they can be available as a resource in support of the active duty mission.

The council recently initiated an effort to reconnect with retired alumni and forge a continuing relationship with this untapped resource of senior judge advocate and paralegal mentors. Colonel Gary Jeffries (PA ANG, ANG



*Former TJAG ANG Council members at the May 2007 meeting at Langley*

Assistant to 11 AF) got our alumni outreach program going when he tracked down contact information on our former council members and invited them to attend our May 2007 Langley Council meeting. Several did attend and had a great encounter. Following an alumni newsletter (with pictures), the alumni got organized through the efforts of former councilmember Colonel Jim Wilson (AL ANG, Ret.). We expect that having retired senior alumni act as trusted advisors and mentors for the council will make the council stronger, keep us connected to the outside world and help our alumni to stay informed on current ANG and JA issues.

Finally, in 2007 the TJAG ANG Council bid farewell to Colonel Ken Emanuel (FL ANG, ANG Assistant to SAF/IG) who retired after many years of service to the ANG, the best of which were at the national level. Colonel Emanuel will be most remembered for his time as the eloquent and innovative Director of the Contemporary Base Issues Course which taught ANG legal issues to several thousand ANG commanders, first sergeants, and supervisors during his tenure.

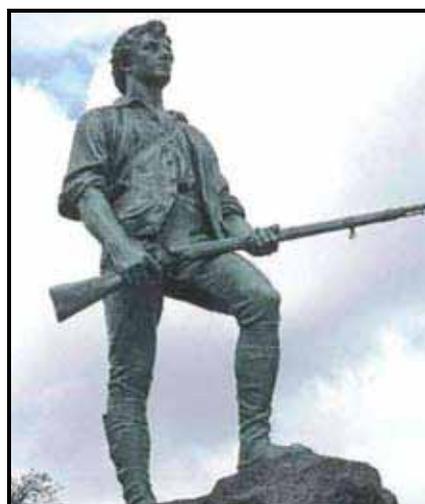
Other ANG JAG Corps members retiring during 2007 after serving in national additional duty positions were Colonel Rex Hinesley (CA ANG), Colonel Lew Brandes (AZ ANG), and Colonel Joe Moan (NY ANG). Many thanks and best wishes to all these judge advocates for their many contributions during distinguished careers as citizen-Airmen.

### **FINAL THOUGHTS**

From its beginnings as a volunteer militia over 371 years ago, the National Guard has been on an evolutionary track, adapting to the changing needs of our community and nation. This volunteer

heritage and ability to transform as necessary has guaranteed the Guard's relevancy and enduring worth. As this legacy continues today in the ANG, our judge advocates and paralegals are doing an outstanding job enabling this continuous change. However, our ANG JAG Corps members are not just enablers of change; they must also evolve themselves, especially in the wartime situation we find ourselves in today.

In 2008, we will ask members in the field to step up their participation in JAG Corps-related activities beyond their home unit duties. While many already have full plates between their civilian practices and unit responsibilities, we will ask them to make a special effort to contribute additionally to the mission of the JAG Corps in any way they can. If they cannot deploy, we will ask them to perform shorter home station support, air operations center or Field Support Center tours. Or they can teach at a CBI, edit a deskbook article, or participate in some other way at the national level—or whatever works for them. But they must evolve...it is our Guard heritage.



# HERITAGE TO HORIZONS



*Heritage to Horizons meeting with former senior leaders of the JAG Corps*

Complementing the Air Force 60th Anniversary theme of Heritage to Horizons, the JAG Corps hosted two unique Heritage to Horizons meetings in 2007. The first was held on 20 March 2007 and brought together former senior leaders from the JAG Corps. Hosted by The Judge Advocate General (TJAG), Major General Jack L. Rives, the group included several former TJAGs, including Major General (Ret.) Robert W. Norris, Major General (Ret.) Nolan Sklute, and Major General (Ret.) William A. Moorman. In total, the group's careers spanned six decades, with over 200 years of experience as judge advocates. On 7 May 2007, Chief Master Sergeant Avis Dillard-Bullock, Senior Paralegal Manager to TJAG, hosted a similar meeting for former senior paralegal managers and other former senior paralegal leadership. Notably, the group included Chief Master Sergeant (Ret.) Steve Swigonski, Chief Master Sergeant (Ret.) Clemencia Jemison, and

Chief Master Sergeant (Ret.) David Haskins.



*CMSgt Dillard-Bullock with former senior paralegal leadership*

As part of the 60th Anniversary, Air Force Chief of Staff General T. Michael Moseley, stressed the importance of learning from the past to build the future. Both JAG Corps Heritage to Horizons meetings did just that. The meetings included a series of briefings on the wide range of JAG Corps 21 initiatives and were designed to encourage questions and feedback from the participants. Both groups

heard from Colonel David Wesley, who discussed initiatives at The Judge Advocate General's School; Colonel Robin Moro and Colonel Dawn Eflein, who discussed changes in the judiciary; Colonel Lisa Turner, who discussed the stand-up of the TJAG Action Group; Mr. David Sprowls, who discussed resourcing JAG Corps 21 initiatives; as well as many others.

"I wanted them to question our assumptions, suggest ideas we might have missed, and tell us how they handled similar issues they encountered," Maj Gen Rives

said. "They did exactly that, and their advice was invaluable. The JAG Corps will benefit from their counsel for years to come."

Each group also spent time with members of the JAG Corps from the National Capital Region discussing topics of concern and hearing from our senior mentors on how best to proceed. All found the experience to be invaluable.

# HERITAGE TO HORIZONS... A PARTICIPANT'S PERSPECTIVE



**BRIG GEN JAMES W. SWANSON,  
USAF (RET.)**

As I looked around the Air Force Legal Operations Agency conference room table in March 2007, I was struck by a sense of *déjà vu*. But for the fact that the ten retired Heritage to Horizons attendees wore civilian clothes instead of uniforms and our hair had grayed (or, in some cases, departed!), I realized I had sat around similar conference tables for decades with everyone there.

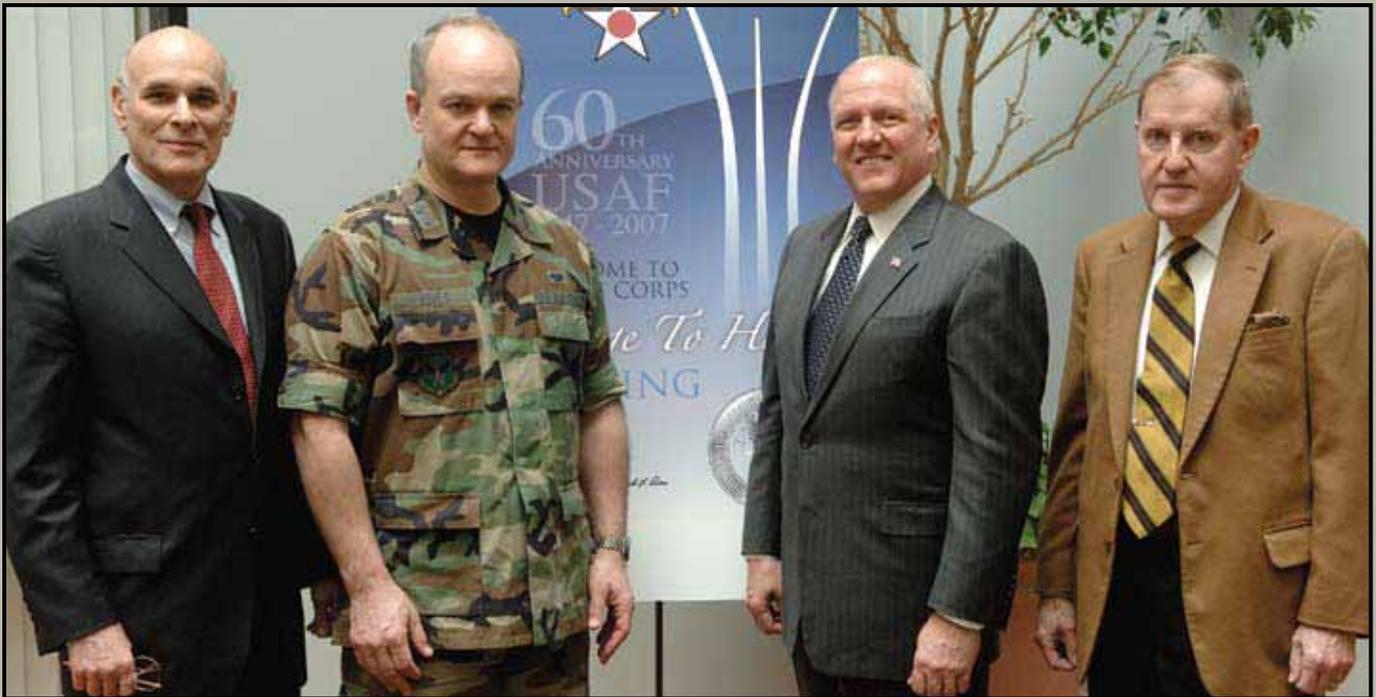
I found myself thinking back to when I first arrived at the Pentagon in 1988. Major General Bob Norris (the man who started the wheels turning that led to the construction of the magnificent JAG School) was then The Judge Advocate General (TJAG). Major General (then Colonel) Nolan Sklute (who served as TJAG from 1993 until 1996) was completing a highly eventful tour as director of civil law and was on his way to serve as staff judge advocate (SJA) at Air Force Logistics Command at Wright-Patterson. Major General (then new Colonel) Bill Moorman (who recognized the impact of emerging technology

on JAG mission accomplishment and who served as TJAG as the Corps entered the new millennium) was leaving JAX (then called Career Management) to begin studies at National War College. Brigadier General (then Colonel) Olan Waldrop (a great friend and the hardest working, most self-effacing person I've ever known, who now serves as president of the JAG School Foundation) was executive to TJAG, and his four years in that position is almost certainly a record that will never be broken.

As I continued scanning the table, I paused on the JAG Corps' truest living legend, Mr. Everett Hopson. He led what is now known as the Administrative Law Division (a.k.a. "Hopson University") for many years, and his gentle demeanor, uncommon common sense, extraordinary instincts, and unerring insight made him a consigliere to a succession of TJAGs and an indispensable mentor to hundreds of future Corps leaders.

In addition to my original Pentagon colleagues, other old friends at Heritage to Horizons included: Major General Andy Egeland (principal architect of the USAF Litigation Center in Rosslyn) who served as the Deputy Judge Advocate General in the mid-90s; Mr. Gordon Wilder (who succeeded Mr. Hopson in 1995 after a highly successful career as an active duty judge advocate); Brigadier General Roger Jones (former president of the JAG School Foundation and the best judge of JAG horseflesh I ever met), the last SJA of the Strategic Air Command (SAC); Brigadier General Ed Rodriguez (a Vietnam veteran who remains an extraordinarily effective advocate on the Hill to help ensure the independence of military lawyers); and the "rookie" of our group, recently retired Brigadier General Jarris Sanborn (one of the first JAGs to deploy into harm's way during DESERT SHIELD/DESERT STORM in 1990), the first woman general officer in the Air Force JAG Corps.

The only absent invitee was Major General Dave Morehouse, a hero to many of us. As TJAG in the early 1990s, General Morehouse guided the JAG Corps past draconian personnel cuts and the first



*Maj Gen Rives with former TJAGs in attendance at Heritage to Horizons*

major attempt to politicize control of military lawyers (some issues never go away!). Sadly, health issues prevented General Morehouse from attending.

Current leaders of the JAG Corps joined us throughout the event. Our host was the current TJAG, Major General Jack Rives, who has been a friend and colleague since we served as young wing SJAs in SAC during the early 1980s. Our careers have frequently intersected, including most recently his invitation to me to help orchestrate the initial JAG Corps 21 study project in early 2006.

Brigadier General Rich Harding, now the commander of AFLOA, also attended the entire session. Rich's legal skills and indefatigable work ethic have long been apparent, and his career has obviously thrived despite twice having to work for me at JAX and USTRANSCOM. Major General Charlie Dunlap, the Deputy Judge Advocate General, also spent time with us. Charlie served as my JAG School faculty advisor when I attended Air Command and Staff College a quarter century ago, and we later deployed together as colonels on multiple occasions to the Middle East.

Our "alumni" group received a full day of Heritage to Horizons updates and briefings on the state of the Corps, and we enjoyed the opportunity to provide input and opinions on many issues. We heard from an impressive slate of current JAG principals, including some of the "next generation" of leaders, superb young officers like Colonels Dave Wesley of the JAG School, Tonya Hagmaier of JAX, and Lisa Turner of TJAG's Action Group. It was exceptionally gratifying to hear about implementation of the historic JAG Corps 21 initiatives, some of which we strongly advocated for, but did not achieve, during our own careers.

All of us who were privileged to attend Heritage to Horizons came away certain that the JAG Corps is achieving unprecedented success under General Rives' extraordinary leadership and vision. Simply put, it was clear to us "old-timers" that the future of the JAG Corps could not be brighter.

At the end of our session, it dawned on me that what I experienced at the beginning of the day was not déjà vu. It was, rather, a rewarding sense of continuity. It was a very good feeling.

*Be decisive. A judge advocate must be willing to "come on line" with a solution or recommendation. He or she cannot dump alternatives on the boss without a clear and concise opinion on the best course of action.*

*– Brig Gen Roger A. Jones, USAF (Ret.)*

# WISDOM FROM OUR HERITAGE

In 2007, while commemorating the 60th anniversary of Air Force's formation as an independent service, General T. Michael Moseley, Chief of Staff of the Air Force noted, "Today we stand on the shoulders of air power giants of the past." For members of the JAG Corps, General Moseley's words recall the multitude of legal Airmen whose effort and dedication created the resources employed today to bring full-spectrum legal capabilities to command and the warfighter.

In honor of the JAG Corps' foundation of heritage, retired leaders of the JAG Corps were asked to provide observations about their service and how leadership and values compare to service in today's JAG Corps. Throughout this edition, you will find valuable insight from retired judge advocate, paralegal, and civilian leaders, which demonstrates both how much the JAG Corps has evolved and also how little has changed in the enduring principles, such as leadership, that are essential to success. The following members of the JAG Corps family are featured:

## **Major General Robert W. Norris, USAF (Ret.)**

General Norris served 31 years on active duty, and he was appointed by the President as The Judge Advocate General in 1985. General Norris retired in 1988.



## **Major General Richard D. Roth, USAFR (Ret.)**

General Roth served for 32 years on active duty and as a member of the Air Force Reserves. In his last assignment, he was the Mobilization Assistant to The Judge Advocate General from 2003 until his retirement in 2007.



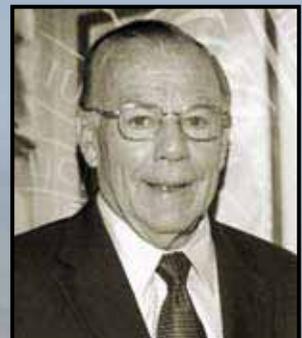
## **Major General David C. Morehouse, USAF (Ret.)**

General Morehouse was appointed as The Judge Advocate General by the President in 1991. His active duty career spanned nearly 33 years, and he retired in 1993.



## **Brigadier General Roger A. Jones, USAF (Ret.)**

General Jones served as Staff Judge Advocate, Strategic Air Command, between 1988 and 1992, retiring after more than 29 years on active duty.



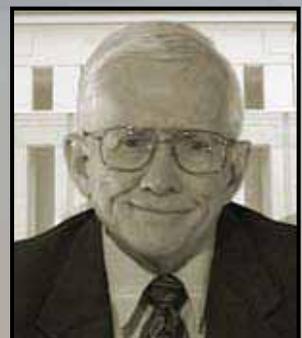
## **Major General William A. Moorman, USAF (Ret.)**

General Moorman was appointed by the President as The Judge Advocate General in 1999. After serving more than 30 years on active duty, he retired in 2002.



## **Brigadier General Michael W. McCarthy, USAFR (Ret.)**

General McCarthy served for 30 years on active duty and in the Air Force Reserve, and he was the Mobilization Assistant to the Deputy Judge Advocate General from 1989 to 1993.



**Brigadier General Olan G. Waldrop, Jr., USAF (Ret.)**

General Waldrop served on active duty for more than 31 years. His final assignment was as Staff Judge Advocate, Headquarters Air Force Materiel Command, between 1995 and 1999.



**Colonel N. Steven Linder, USAF (Ret.)**

Colonel Linder served on active duty for 30 years. His last assignment was as Chief of the Legal Information Services Directorate (JAS), where he served from 1995 until his retirement in 2003.



**Brigadier General Edward F. Rodriguez, Jr., USAFR (Ret.)**

General Rodriguez served on active duty and in the Air Force Reserves for 29 years. He became the Mobilization Assistant to the Deputy Judge Advocate General in 1997, where he served until his retirement in 1999.



**Chief Master Sergeant Steve Swigonski, USAF (Ret.)**

Chief Swigonski served for more than 24 years on active duty, and he was the first Senior Paralegal Manager to The Judge Advocate General between 1970 and 1972.



**Brigadier General Jarisse J. Sanborn, USAF (Ret.)**

General Sanborn was commissioned in 1974, and she served for 32 years on active duty. Her final assignment was as Staff Judge Advocate, Headquarters Air Mobility Command, between 2003 and 2006.



**Chief Master Sergeant Wallace E. Johnson, USAF (Ret.)**

Chief Johnson served on active duty for 24 years, retiring from the Career Management and Plans Division, Office of The Judge Advocate General, in 1970. He also served for 23 years in civil service until his retirement in 1993 as Executive Secretary, Air Force Civilian Attorney Qualifying Committee.



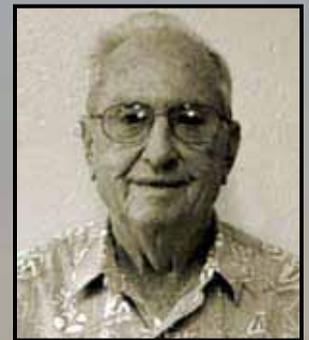
**Colonel Everett G. Hopson, USAF (Ret.)**

Colonel Hopson served for 20 years on active duty until his retirement in 1971. He subsequently served for 19 years as Chief, General Law Division (HQ AF/JAG), where he retired as a member of the Senior Executive Service in 1994.



**Chief Master Sergeant Gerald E. McAteer, USAF (Ret.)**

Chief McAteer spent nearly 29 years on active duty, and he retired in 1979 after serving five years as the Air Force Chief Court Administrator. Today, Chief McAteer volunteers at the Hickam Air Force Base legal office, where he mentors judge advocates and paralegals and aids in the office's legal assistance program.



# TJAG ANNUAL AWARDS

## STUART R. REICHART AWARD

### THE OUTSTANDING SENIOR ATTORNEY OF THE YEAR



MR. LYNDON B. JAMES

Mr. Lyndon B. James distinguished himself as the Outstanding Senior Attorney of the Year while serving as the Director, International Law, Office of the Staff Judge Advocate, Headquarters Third Air Force, Detachment One, Royal Air Force Base Mildenhall, United Kingdom, from 1 January 2006 to 31 December 2006. Mr. James is the United States Air Force's premier United Kingdom international and employment law expert and has assisted thousands of American servicemembers. His superior advocacy flawlessly resolved the politically sensitive permanent closing of United Kingdom public roads in response to United States force protection concerns and established his unquestionable credibility with Her Majesty's Government as a protector of United States interests in the United Kingdom. His legal, diplomatic, and negotiation skills were pivotal in securing an exemption for United States Visiting Forces from the City of London's congestion charge, directly saving over one million dollars to the United States Air Force and the United States Navy. The distinctive accomplishments of Mr. James reflect great credit upon himself and the United States Air Force.

## ALBERT M. KUHFELD AWARD

### THE OUTSTANDING YOUNG JUDGE ADVOCATE OF THE YEAR



MAJ MICHELE A. PEARCE

Major Michele A. Pearce distinguished herself as the Outstanding Judge Advocate of the Year while assigned as the Aide-de-Camp to the Secretary of the Air Force and Associate Deputy General Counsel, Office of the Department of Defense General Counsel, the Pentagon, Washington, District of Columbia, from 1 January 2006 to 31 December 2006. Her outstanding leadership, initiative, and devotion to duty resulted in her selection as the first judge advocate ever to serve as the Aide-De-Camp to the Secretary of the Air Force. She also volunteered to deploy to Baghdad where she provided critical support to detainee operations as a key member of Task Force 134, Multi-National Force – Iraq. Finally, as Associate Deputy General Counsel, she developed the architecture for the Defense National Security Personnel Management System and successfully protected it against legal challenges. The distinctive accomplishments of Major Pearce reflect great credit upon herself and the United States Air Force.

# TJAG ANNUAL AWARDS

## KAREN E. YATES-POPWELL AWARD THE OUTSTANDING PARALEGAL SENIOR NONCOMMISSIONED OFFICER OF THE YEAR

Master Sergeant Teresa J. Herrera distinguished herself as the Outstanding Paralegal Senior Noncommissioned Officer of the Year while assigned as Assistant Law Office Superintendent, Office of the Staff Judge Advocate, 7th Bomb Wing, Dyess Air Force Base, Texas, from 1 January 2006 to 31 December 2006. Sergeant Herrera expertly supervised the processing of 14 courts-martial and 60 discharge actions—all meeting Air Force goals. As a deployed law office superintendent, she managed a five person legal team and demonstrated her acute leadership by single-handedly standing up the first area defense counsel office in the area of operations while simultaneously managing a 400 percent increase in legal assistance support to deployed troops. While deployed and at home, she is a community advocate working with children, the underprivileged, the terminally ill, the elderly, and deployed Soldier and Airmen relief organizations—she is always on the frontline helping others. The distinctive accomplishments of Master Sergeant Herrera reflect great credit upon herself and the United States Air Force.



**MSGT TERESA J. HERRERA**

## STEVE SWIGONSKI AWARD THE OUTSTANDING JUNIOR PARALEGAL AIRMAN OF THE YEAR

Technical Sergeant Dawn R. Wolfe distinguished herself as the Outstanding Paralegal Airman of the Year while assigned as Noncommissioned Officer in Charge, Military Justice, Office of the Staff Judge Advocate, 45th Space Wing, Patrick Air Force Base, Florida, from 1 January 2006 to 31 December 2006. Skillfully managing a military justice section with a 300 percent increase in cases, Sergeant Wolfe's initiative, motivation, and dedication to duty made her the backbone of the office. While deployed as Noncommissioned Officer in Charge, Detainee Judicial and Legal Policy, Multi-National Force – Iraq, Camp Victory, Iraq, she supported eight deployed Army, Air Force, Marine Corps, and Navy judge advocates on critical issues relating to detainee operations. She further demonstrated phenomenal legal research skills while gathering records for detained American citizen lawsuits while also supporting International Committee of the Red Cross inspections of detention facilities across the area of operations. The distinctive accomplishments of Technical Sergeant Wolfe reflect great credit upon herself and the United States Air Force.



**TSGT DAWN R. WOLFE**

# TJAG ANNUAL AWARDS

## REGINALD C. HARMON AWARD

### THE OUTSTANDING RESERVE JUDGE ADVOCATE OF THE YEAR



MAJ JOHN F. O'CONNELL

Major John F. O'Connell distinguished himself as the Outstanding Reserve Judge Advocate of the Year while assigned as Deputy Chief of Staff, Strategy, Plans and Assessment, Multi-National Force – Iraq, Baghdad, Iraq, from 1 January 2006 to 31 December 2006. In support of Operation IRAQI FREEDOM, Major O'Connell completed a critical one-year deployment as Legal Advisor and Strategist, Deputy Chief of Staff, Strategy, Plans and Assessment, Multi-National Force – Iraq. Leading the development of the Strategy for National Unity in Iraq, he helped establish the framework for creating a unified country allowing Iraq to work towards a future in peace and stability. He is also a leading advocate in the state of New Jersey in providing pro-bono legal services for both deployed and non-deployed military members from that state. The distinctive accomplishments of Major O'Connell reflect great credit upon himself and the United States Air Force.

## DAVID WESTBROOK AWARD

### THE OUTSTANDING RESERVE PARALEGAL OF THE YEAR



SMSGT ANN PARKER

Senior Master Sergeant Ann Parker distinguished herself as the Outstanding Reserve Paralegal of the Year while assigned as the Senior Individual Mobilization Augmentee, Headquarters, Air Mobility Command, Scott Air Force Base, Illinois, from 1 January 2006 to 31 December 2006. During this time, she deployed with Joint Task Force Guantanamo, as Noncommissioned Officer in Charge, Office of the Staff Judge Advocate, as well as Task Force 134, Multi-National Force – Iraq, as Noncommissioned Officer in Charge, Combined Review and Release Board. She processed over 300 detainee transfers, managed 360 counsel visits and was instrumental in convening 80 boards for over 16,000 detainees. Amidst this high operations tempo, she further contributed to troop morale by coordinating a much-needed rest and relaxation retreat for deployed troops, volunteered at the combat Army hospital and organized the delivery of care packages to soldiers in remote areas. The distinctive accomplishments of Senior Master Sergeant Parker reflect great credit upon herself and the United States Air Force.

# TJAG ANNUAL AWARDS

## **JAMES O. WRIGHTSON, JR. AWARD**

### **THE OUTSTANDING CIVILIAN ATTORNEY OF THE YEAR**

Mr. Preston L. Mitchell distinguished himself as the Outstanding Civilian Attorney of the Year while an Attorney-Advisor, Office of the Staff Judge Advocate, Oklahoma City Air Logistics Center, Tinker Air Force Base, Oklahoma, from 1 January 2006 to 31 December 2006. A gifted negotiator for the busiest labor division in the Air Force, Mr. Mitchell favorably settled 43 percent of his Equal Employment Opportunity cases and 80 percent of his Merit Systems Protection Board cases. His leadership of the child development center labor contract negotiations ensured the continuation of affordable child care for our Airmen. He charted new waters for Air Force Merit Systems Protection Board practice by winning a benchmark case allowing video teleconference hearings thus saving countless dollars in witness expenses. The distinctive accomplishments of Mr. Mitchell reflect great credit upon himself and the United States Air Force.



**MR. PRESTON L. MITCHELL**

## **HAROLD R. VAGUE AWARD**

### **THE OUTSTANDING LEGAL SERVICE CIVILIAN OF THE YEAR**

Ms. Linda R. Sanders distinguished herself as the Outstanding Legal Service Civilian of the Year while the Accessions Management Analyst, Office of Professional Development, Office of The Judge Advocate General, the Pentagon, Washington, District of Columbia, from 1 January 2006 to 31 December 2006. During this time, Ms. Sanders was solely responsible for briefing and bringing over 130 new judge advocate general officers on active duty from six different accession programs. She spearheaded an office effort to access a record 63 direct appointees and ROTC cadets during the months of October, November, and December 2006, resulting in a 47 percent increase over the same timeframe the previous year. On two occasions when the lieutenant to captain promotion scroll stalled at the Headquarters Air Force level, she was the first person to identify and work the issue—ensuring over 40 lieutenants were promoted to captain on time. The distinctive accomplishments of Ms. Sanders reflect great credit upon herself and the United States Air Force.



**MS. LINDA R. SANDERS**

# TJAG ANNUAL AWARDS

## THE OLAN G. WALDROP, JR. UNSUNG HERO AWARD

The *Olan G. Waldrop, Jr., Unsung Hero Award* is an ad hoc award presented by The Judge Advocate General based on the recommendations of JAG Corps personnel. It is open to all judge advocates, paralegals, and civilian employees who demonstrate devotion to their duties, support to others, and dedication to the JAG Corps, with no regard for recognition.

This award is named in honor of Brigadier General (Ret.) Olan G. Waldrop, Jr. Brig Gen Waldrop served with distinction for over 30 years as an Air Force judge advocate. He served as Commander, Air Force Legal Services Agency and as a staff judge advocate four times. He retired as the Staff Judge Advocate, Headquarters Air Force Materiel Command, on 1 February 1999. His career is highlighted by his legal prowess, significant support to others, and dedicated leadership.



*At KEYSTONE, Maj Gen Rives and Brig Gen Waldrop presented the Waldrop Award to Mrs. Lucas and Brig Gen Rodriguez*

**Mrs. Valerie Lucas** has served as the British Liaison Officer at 423 ABG/JA, RAF Alconbury, United Kingdom, since 1961. In her 46 years of service, Mrs. Lucas has helped thousands of U.S. servicemembers during their stay at RAF Alconbury with issues ranging from consumer disputes and landlord-tenant difficulties to immigration issues and tax problems. Having built an excellent rapport and personal relationship with countless local officials, Mrs. Lucas has been an irreplaceable asset to a long line of legal personnel learning the intricacies of operating in the United Kingdom. Mrs. Lucas avoids personal recognition for her outstanding efforts, humbly stating that she “just looks after people to the best of my ability.” Her decades of service, selfless attitude, and dedication in support of the Air Force mission in the United Kingdom make her the ideal recipient of the Waldrop Award.

Beginning in 1970, **Brig Gen (Ret.) Edward F. Rodriguez, Jr.**, served as an active duty and reserve judge advocate for 29 years, establishing an impressive record of performance during assignments in a variety of locations, including Michigan, Vietnam, and Washington, D.C. While on active duty, he successfully prosecuted an Air Force Office of Special Investigations agent for espionage. Retiring from the Air Force Reserve in 1999, General Rodriguez continued to provide outstanding support to the Corps and the nation as an advisor to senior military leaders and a powerful voice for the Armed Forces on Capitol Hill. In 2005, The Judge Advocate General awarded him with the JAG Corps’ Special Service Award. General Rodriguez continues to support the Corps on the Hill, and he serves as the Secretary of The JAG School Foundation.

# JAG CORPS SCHOLARLY ARTICLES AND WRITINGS

*Members of the JAG Corps continue to make significant contributions to academic legal discourse and dialogue, a sample of which is listed below.*

Capt W. James Annexstad, *The Detention and Prosecution of Insurgents and Other Non-Traditional Combatants—A Look at the Task Force 134 Process and the Future of Detainee Prosecutions*, ARMY LAW., Jul. 2007.

Lt Col A. Eric Bee, *Embracing Change: The Stand-up of the Air Force Claims Service Center*, THE REPORTER, Summer 2007.

Capt John W. Bellflower, Jr., *Organized Chaos: Managing the Disorder of Trial*, THE REPORTER, Summer 2007.

Lt Col Mary J. Bradley & Maj Kathleen V.E. Reder, *They Asked, But Can We Help? A Judge Advocate's Guide to Immediate Response Authority (IRA)*, ARMY LAW., Feb. 2007.

Barbara A. Buchanan, *Legal Information Services, Implementing the System Engineering Process*, THE REPORTER, Fall 2007.

Maj Thomas H. Dobbs, *The Use of Government-Owned Vehicles for the Comfort or Health and Welfare of Personnel in Deployed or Remote Locations*, ARMY LAW., Apr. 2007.

Maj Gen Charles J. Dunlap, Jr., *Targeting Hearts and Minds: National Will and Other Legitimate Military Objectives of Modern War*, in INTERNATIONAL HUMANITARIAN LAW: FACING NEW CHALLENGES (Wolff Heintschel von Heinegg & Volker Epping eds., 2007).

Maj Gen Charles J. Dunlap, Jr., *COIN Shortage*, PROCEEDINGS, May 2007.

Maj David Jaffe & Maj Todd Boyer, *Wartime Duties*, LAWDRAGON, Summer 2007.

Maj John C. Johnson, *Under New Management: The Obligation to Protect Cultural Property During Military Occupation*, MIL. LAW REVIEW, Winter 2006/Spring 2007.

Maj John C. Johnson, *The Air Force Judge Advocate: An Independent Legal Advisor*, THE REPORTER, Summer 2007.

Maj Joshua E. Kastenberg, *Tactical Level PSYOP and MILDEC Information Operations: How to Smartly and Lawfully Prime the Battlefield*, ARMY LAW., Jul. 2007.

Antony B. Kolenc, "Mr. Scalia's Neighborhood": *A Home for Minority Religions?*, 81 ST. JOHN'S L. REV. 819 (2007).

Maj Marci A. Lawson Et Al., *Contract and Fiscal Law Developments of 2006—The Year in Review*, ARMY LAW., Jan. 2007.

Daniel M. O'Connor, *Legal Information Services: Leading Technology for The Judge Advocate General's Corps*, THE REPORTER, Summer 2007.

#### JAG CORPS SCHOLARLY ARTICLES AND WRITINGS

Maj Bruce D. Page, Jr., *American Theocracy: The Peril and Politics of Radical Religion, Oil, and Borrowed Money in the 21st Century*, MIL. LAW REVIEW, Winter 2006/Spring 2007 (Kevin Phillips, 2006) (book review).

W. Darrell Phillips, *Use of Operations and Maintenance Funds During Deployments*, THE REPORTER, Mar. 2007.

Maj Dean N. Reinhardt, *The Vertical Limit of State Sovereignty*, 72 J. AIR L. & COM. 65 (2007).

Maj Gen Jack L. Rives, *Introduction: Chief Justice Warren on the Bill of Rights and the Military*, 60 A.F. L. REV. 1 (2007).

Capt Jason S. Robertson, *An ADC in the AOR: Defending Those that Defend America*, THE REPORTER, Fall 2007.

Col Jeffrey A. Rockwell, *Why Custom in International Law is so Important*, THE REPORTER, Fall 2007.

Thomas E. Rudolph, THE APPLICATION OF OSHA TO FEDERAL AGENCIES GUIDE (2007).

Lt Col Vance Spath, Maj Rock Rockenbach & Capt Scott Williams, *Is Death Different? Death Penalty Litigation in the Air Force*, THE REPORTER, Mar. 2007.

Maj Cornelia Weiss, *Coca and Cocoa – Columbia Bitter and Sweet: This Deployed Military Lawyer's Experience*, THE AMBASSADORS REVIEW, Spring 2007.

Maj Marshall L. Wilde, *Incomplete Justice: Unintended Consequences of Military Nonjudicial Punishment*, 60 A.F. L. REV. 115 (2007).

Maj Kevin J. Wilkinson & Maj Dennis C. Ehlers, *Ensuring CICA Stay Overrides are Reasonable, Supportable, and Less Vulnerable to Attack: Practical Recommendations in Light of Recent COFC Cases*, 60 A.F. L. REV. 91 (2007).

Col Charles W. Williamson III, *Proof Analysis, Win Your Case, Not Just Your Case-In-Chief*, THE REPORTER, Fall 2007.

Marc Trost & Maj Patrick Dolan, *Can Old Pesticides Kill Big Construction Projects?*, THE REPORTER, Mar. 2007.

Maj Jason S. Wrachford, *The 2006 Israeli Invasion of Lebanon: Aggression, Self-Defense, or a Reprisal Gone Bad?*, 60 A.F. L. REV. 29 (2007).

Maj Jason S. Wrachford, *Just Americans: How Japanese Americans Won a War at Home and Abroad*, ARMY LAW., Sep. 2007 (Robert Asahina, 2006) (book review).

Col Larry D. Youngner, SQNLDR Patrick Keane, & SQNLDR Andrew McKendrick, *The Influence of International Law on the Military Commissions Act of 2006: The Glass Half Full or Half Empty?*, ARMY LAW., Jul. 2007.

*Additional Papers Written in Satisfaction of Educational Requirements*

Maj Brian L. Bengs, *Legal Constraints upon the use of a Tactical Nuclear Weapon against the Natanz Nuclear Facility in Iran* (LL.M. program).

Maj Michael A. Blackburn, *Analysis of Homeland Security and National Response: How to Better Protect America from Future Catastrophic Incidents* (LL.M. program).

Maj George L. Burnett, Jr., *Advancing the Use of Ethanol and Other Biofuels to Promote Sustainable Development, Energy, and National Security Interests* (LL.M. program).

Col Timothy Cothrel, *Air Force Public Affairs Doctrine: Operating Under the Influence* (Air War College).

Lt Col Kirk L. Davies, *Federal Authority to Seize Private Property During an Emergency* (Industrial College of the Armed Forces).

Capt John C. Degnan, *Constructive Contract Changes, A Practical Guide for the Military Contract Attorney* (LL.M. program).

Maj Chad Diederich, *Procuring Relocatable Buildings* (LL.M. program).

Capt Evelyn Ruth Frasure, *Rescuing the Rescuers: The Government's Failure to Warn* (LL.M. program).

Maj Robert Hall, *Two is Better Than None: The Case for a Two-State Partition of Iraq* (Air Command and Staff College).

Maj Brandon L. Hart, *Anti-satellite Weapons: Threats, Laws and the Uncertain Future of Space* (LL.M. program).

Maj Kenneth L. Hobbs, *Fallen Off the Tracks or Back on Track? – Hamdan v. Rumsfeld and Common Article 3 of the Geneva Conventions of 1949* (LL.M. program).

Capt Christy J. Kisner, *Funding and Administering a Reconstruction Contract in Operation IRAQI FREEDOM* (LL.M. program).

Maj Teresa G. Love, *Nanotechnology and the Future: How the Department of Defense Should Proceed* (Air Command and Staff College).

Maj Christopher David May, *Mercury—Hype or Health Risk?* (LL.M. program).

Capt Mark B. McKiernan, *Extraordinary Contractual Relief pursuant to Public Law 85-804: How The Government Uses Taxpayer's Money to Assist Private Defense Contractors Stay in Business* (LL.M. program).

Maj Christopher L. McMahon, *A Rising Tide Lifts All Boats: The Development of Contract Administrative Norms through the Dispute Resolution Process* (LL.M. program).

Maj Patrick J. Pfaltzgraff, *No One Comes Close...the Legal and Regulatory Framework of Why and How the United States Air Force Leads the Federal Government in the Use of Renewable Energy Sources* (LL.M. program).

## JAG CORPS SCHOLARLY ARTICLES AND WRITINGS

Maj Charles Plummer, *Strategic Communications via Paper from the Sky: Leaflets, an Underutilized Low-Tech Tactic in a World Focused on High-Tech Warfare* (Air Command and Staff College).

Maj LaChandra C. Richardson, *Disasters vs. Desiderata: Assessing Hurricane Katrina Reforms Against First Principles* (LL.M. program).

Maj Thomas M. Rodrigues, *Al-Qaeda Recruiting on the Internet: A Critical Vulnerability?* (Air Command and Staff College).

John D. Smith, *Law of War or Law Enforcement: What Law Applies to Islamic Extremists and Does it Need to be Updated?* (Air Command and Staff College).

Lt Col Kenneth M. Theurer, *Technology, Terrorists, Surveillance, and the Right to Privacy* (Air War College).

Maj Owen W. Tullos, *When Terrorism Returns to American Soil: Re-attacking War Powers from a Domestic Perspective* (LL.M. program).

Maj Timothy Tuttle, *Three's a Crowd, Why Mandating Union Representation at Mediation of Federal Employees' Discrimination Complaints is Illegal and Contrary to Legislative Intent* (LL.M. program).

Maj Patrick Wells, *The American Servicemembers' Protection Act: How the American Response to the ICC is Proving Disruptive to the U.S. Strategy for Dealing with a Disruptive Threat.* (Air Command and Staff College).

Maj Sandra K. Whittington, *Other Transaction Agreements: A Streamlined and Innovative Process, but Further Oversight is Needed* (LL.M. program).

Maj Lisa F. Willis, *Humanitarian Intervention: Reemerging from the Practice of States and the United Nations* (LL.M. program).

*I learned a great lesson from General Richard Hawley when he was the commander of Air Combat Command (ACC) and I was his staff judge advocate. When he came to ACC, his reputation was that he was a thoughtful and measured commander. At his first senior staff meeting, he looked at the general officers around the table and said, "Let me make a couple of things perfectly clear up front. There is no room in this command or our Air Force for those who practice racial discrimination or tolerate those who do. Secondly, there is no place in this command or our Air Force for those who practice gender discrimination or tolerate those who do." He then moved on to discuss his vision of the future of ACC and other matters.*

*A couple of days later, when I had my initial meeting with him, I asked him why he had felt that it was necessary to make such direct statements to a group of very senior officers who I believed already "got it." He said, "Bill, you may be right that everyone in that room already gets it. But, I want to make sure that anyone who doesn't get it can't take refuge in what I left unsaid." This was probably the most profound statement I heard from a commander in my entire career. Leaders have an obligation to stand up and speak out to make sure that people know where they stand, even if it should be obvious where they must stand.*

– Maj Gen William A. Moorman, USAF (Ret.)



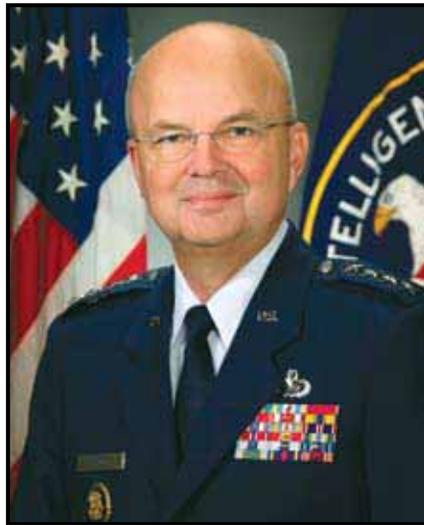
# PERSPECTIVE OF THE DIRECTOR, CENTRAL INTELLIGENCE AGENCY

The rule of law is one of America's founding principles. It is fundamental to our republic and our institutions, including the two institutions that I have the honor now of calling my own. So let me start by simply thanking each and every one of you for your dedication to the law and the important contributions that you make to America's Air Force and to the defense of the nation.

There are several points that I want you to come away with—points that have been formed by my various assignments over the years both inside and outside of intelligence.

First, one very important premise: Intelligence is at the nexus of every major security challenge facing the republic today. That is a sweeping statement to be sure, but frankly, it's one that gets reinforced to me every morning as I review daily intelligence reports. Whether you're talking about the global threat from al Qaeda, the influence of Iran in the Middle East, the growing economic strength of China and India, or the intentions of Kim Jong-il in North Korea, it is clear to me that the demand for timely, accurate, comprehensive intelligence is absolutely unprecedented. The state of the world, the expectations of those we serve, and the nature of our enemies are putting a great premium on intelligence.

Second, the nature of America's primary enemy has changed, and it has changed fundamentally. During the Cold War, when the enemy was the Soviet Union, the United States'



**GENERAL  
MICHAEL V. HAYDEN**

national and conventional interest was our territory and defense. To assess the Soviet threat first and foremost, we had to understand Soviet military capabilities.



My first job in the Air Force was tracking the Soviet ICBM force. Back then, we were looking for big things that were difficult to hide, such as bombers, troop movements, and tanks. In those days, the enemy was easy to find, but it was hard to finish. Intelligence was important,

but for some of the first half, if not most, of my professional career, intelligence was overshadowed by the need for raw firepower.

Today, the equation in the war on terrorism is reversed. The enemy is easy to finish, but he is very hard to find. Rather than looking for ICBM fields east of the Ural Mountains, we're looking for individuals or small groups who are planning suicide bombings or running violent Jihadist websites or sending foreign fighters into Iraq or acting as conduits between al Qaeda and WMD experts. So if you accept that the enemy is hard to find but easy to finish, you can see why intelligence is so important now in this post-9/11 war. The mission of intelligence officers, military or civilian, is to locate the threat, identify precisely who it is and what their intentions are, so that the full resources and capabilities of the nation can be brought to bear before the enemy strikes.

What are the implications of that for both the Air Force and the CIA? I grew up in an Air Force where intelligence came first and then operations and application of firepower came through intelligence. But in today's Air Force, we view intelligence quite differently. Intelligence isn't a support activity. Intelligence is inherently operational.

That's the third point I would like you to take away. In today's world, intelligence is an operational function, not a support function.

The American military now routinely uses kinetic force not just for its own effect, but to create a response that will allow for us to collect intelligence more quickly. Key in fighting the War on Terror is to use kinetic activity to excite the enemy. By exciting the enemy, we gain intelligence. Operations create opportunities to learn more about the enemy, and intelligence creates opportunities for further kinetic operations. It works both ways, but in both ways, intelligence is operational, not just support.

There is something else that underscores the operational nature of intelligence today, which I call the primacy of precision. America's modern warfighting doctrine is all about precision. As a fighting force, the Air Force has essentially given up mass, or at least what we used to think of as mass, because we now get the same effect using precision. But the challenge is that there are no weapons smarter than the intelligence that guides them. That puts pressure on intelligence officers and those who have to navigate the new legal issues that are involved, who often must act with little notice and not much time to respond. With al Qaeda and its affiliates, we face an enemy with a very small footprint. Opportunities to strike with precision appear and disappear quickly, so we have to be able to marshal the right kind of capabilities quickly.

What have we done to make that happen? Since 9/11, the nation has entrusted the intelligence community with tremendous resources, and we have also restructured. Congress created the Director of National Intelligence

(DNI) in 2004, and today the DNI serves as the President's principal advisor on intelligence matters and oversees the 16 agencies in the national intelligence community. The DNI has authority over budget, acquisition, personnel policies, and mission centers, but, by design, the DNI does not have operational authority. Instead, the DNI's mission is to coordinate and give overall direction.

The CIA remains the only independent non-departmental agency in the intelligence community. As the only intelligence organization which is not inside another cabinet level department, the CIA has unique and special roles in ways that we support the DNI. For example, the CIA manages on behalf of the DNI all of the United States' foreign intelligence relationships. My deputy or I have visited more than three dozen of our foreign partners since August 2006, showing the premium we put on international intelligence cooperation. I also serve as the national human intelligence manager, providing broad direction, rules and standards for the collection of intelligence information from human sources. The CIA coordinates clandestine operations and conducts covert actions. The CIA is also the executive agency for the President's daily intelligence brief, runs the open source center, and our station chiefs are the representatives of the American intelligence community around the world. That gives you a sense of the lanes in the road for the CIA.

More importantly, the DNI and my agency are of the same mind as to what we have to do inside the

intelligence community to serve the American people. The key concept is integration, and we must better integrate all of the activities of the 16 agencies that make up the national intelligence community.

Integration of the intelligence community will impact you. If we succeed at integration, we will integrate not just the 16 intelligence agencies; we will also integrate with other partners, including the Air Force-at-large. That will force you to understand better than ever before the functions and authorities of intelligence organizations. This will, at times, put you on unfamiliar terrain as you consider the authorities under which we operate. You will need to become more familiar with that terrain because the demands for collaboration and integration will only grow in coming years. That is a positive development that is essential to our national security, but it won't happen automatically. All of us share some responsibility for making it happen and making it happen well.

Over the last six years, American intelligence agencies have made great strides in partnering with each other and the military against the terrorist threat. Using the resources given to us by the President and Congress, we have grown and strengthened. There is always more to be done, though, and we in the intelligence community must constantly adjust and recalibrate our methods to the evolving threat. We are working against a learning enemy that is adaptive and persistent, and we will prevail only if we are more determined, more agile, more resilient, more adaptive, and more persistent than they are.

The CIA's lane in the road is unparalleled expertise in human intelligence. There is no disputing the importance of human intelligence in the fight against terrorism, so consider how the CIA does this in the war in which we are all involved.

Let me provide a clear legal definition of how we see the conflict. The United States is in a state of armed conflict with al Qaeda and its affiliates. The conflict is global in scope, and a pre-condition for winning the conflict is to take the fight to the enemy wherever he may be. From that premise evolves certain attitudes and actions taken by the American government. We know that al Qaeda is as determined as ever to strike our homeland. It wants to execute us and cause mass casualties, massive destruction, and massive economic harm.

In recent years, al Qaeda has protected or regenerated some key elements of their capability. One, they have a safe haven in the tribal areas of Pakistan. Two, they have functioning and effective operational lieutenants. Three, they have a leadership that has been engaged in planning and plotting attacks against the homeland. We made these assessments of these three elements with high confidence last year in the national intelligence estimate.

There is a fourth thing we believe they must have in order to attack the homeland and about that, we were less certain—the presence of operatives inside the United States. At the CIA, we don't just analyze the threat I just described; we confront that threat. We confront it every minute of every hour.

Since the first CIA officer set foot in Afghanistan 16 days after the attacks on Washington and New York, the CIA has prosecuted an unprecedented expeditionary campaign to capture or kill those who seek to inflict that kind of devastation again. We are expected by the President, Congress, and the American people to prosecute this campaign to the best of our ability using the full extent of the authorities given to us and the full range of our capabilities to combat this threat. It is a responsibility that we feel deeply every day.

That brings me to another key point that defines the CIA's approach to the conflict with al Qaeda. In defending our nation against this dangerous enemy, the CIA will use every inch of operational space it has been given by the American people. "Operational space" is the space defined by our laws within which we conduct intelligence activities. As an agency committed to the rule of law, we welcome and demand this defining space. We understand and embrace the boundaries set by our laws, because they reflect the principles of the republic that are most worth defending.

Keep this definition of the CIA's operational space in mind while also considering the theater in which the CIA must operate. The moment of the attack, the time it takes for an airliner to crash or a bomb to detonate, may be just a split second. There can be little or no time to defeat the enemy on the battlefield he has chosen, but behind that point of attack is a trail for planning, travel, communications, training, and other elements that go into a large-scale terrorist operation. That is where there are secrets we can

steal, operatives we can capture and interrogate, and plots we can and must disrupt. That is what the American people expect their secret intelligence service to fight, and this is where we must leverage every inch of the space we've been given in which to operate.

The last six years have shown us time and time again that the best source of information on terrorist groups and their plans is the terrorists. Intelligence analysts often compare their work to putting together a puzzle without ever having had the benefit of seeing the picture on the top of the box. Our job is to find that terrorist who has seen that picture. He knows at least some of the players, the methods, and the plans of his co-conspirators. He knows others like him, and he can give us more pieces of the puzzle than any other source. The information terrorists have given us, directly or indirectly, has been simply irreplaceable.

I understand "irreplaceable" is a strong word, so I don't use it lightly. The value of the information the CIA has obtained from terrorists is the reason that the CIA has a significant percentage of our work force deployed to lands between the Mediterranean and Arabian Seas. That is why the CIA is operating outside Baghdad's Green Zone. That's why the CIA is operating along the lawless frontier of the Afghanistan-Pakistan border. These are hard, dangerous places where courage and a willingness to accept and embrace risk are vital to success.

The irreplaceable nature of the information obtained from terrorists is also why we have strenuously

defended our detention and interrogation program. Informed debate and informed discussion is healthy. As legal professionals, you have no doubt given this issue some thought over the past years, and both the executive and legislative branches have worked to ensure that our program—past, present, and future—complies with American law and America’s international obligations.

As you continue to think about this, bear three things in mind. First, the program we’re talking about, the CIA’s terrorist interrogation efforts, has always been small, carefully run, and highly productive. Fewer than 100 hardened terrorists have gone through this program since it began with the capture of Abu Zubaydah in 2002. Of those, fewer than a third have required any kind of special methods of questioning. Only terrorists with information on potential attacks or unique insights into the workings of al Qaeda and its affiliates have been in this program. The United States and its allies have used the priceless intelligence from these men to disrupt plots, unravel networks, and save lives.

The second thing you need to remember about this program, in addition to its scope, is that this vital counter-terrorism initiative has been subject to multiple legal and policy reviews inside the CIA and beyond. As an agency, the CIA has worked closely with the Department of Justice and others in our government to ensure that the interrogation program operates in strict accord with U.S. law. It takes full account of any changes to the law. We have been



*General Hayden speaking at KEYSTONE*

proactive in seeking opinions that anticipate new legislation or fresh interpretations of existing laws and treaties.

Finally, the third point about this program is that a sustainable interrogation program requires not only direction and guidance from the executive branch, it requires support from Congress. Our oversight committees have been fully and repeatedly briefed on the CIA’s handling of detainees. They know the exceptional value that comes from the careful and thorough questioning of key terrorists, they know what we do, and they know what we do not do. They also know the lengths to which our government as a whole has gone to place this source of intelligence on a sound and solid legal footing. Candid and frequent interaction with Congress on the full range of activities is frankly essential to us.

We are America’s secret intelligence service. The secrecy under which we operate is a grant of public trust for which we must be accountable, and, in large measure, that accountability

is to the people’s representatives in Congress and our two oversight committees, the House Select Committee on Intelligence and the Senate Select Committee on Intelligence. That is why we at the CIA vigorously support a healthy and productive oversight process. As we see it, effective oversight builds and maintains the kind of trust that we need.

I mention this because contrary to what you might read in a book, glean from a movie, or read in a newspaper, the CIA operates within a strong framework of law and oversight. My agency is responsive to both the President and the Congress. We have an Office of General Counsel that is larger than many of our foreign intelligence partners, and that office has a defining say in how we conduct our operations. We work very hard each day to be true to the public trust that we must have to operate.

With the Cold War underway 60 years ago when both the CIA and the Air Force were founded, our nation’s leaders could not have imagined the war we are fighting today. It requires us to apply our talents, our laws, our values, our ethics, and our judgment in new and very difficult circumstances while, frankly, much of the country does not believe or behave as if we are at war. I am very proud to lead the men and women in the CIA and equally proud to lead them wearing the uniform that I wear. Above all, I am proud to belong to two exceptional organizations, organizations that share some core values—integrity, service, and excellence. And on those values, strong leadership is built.

# PERSPECTIVE OF A UNITED STATES SENATOR

Being part of the JAG family has been one of the highlights of my life. I've gotten more out of my service as a JAG than I've given, and some of the best people I have ever met are my Air Force colleagues. Being in the Senate is an honor. But to be honest with you, wearing the uniform of our country is truly something special.

Politics is not a merit-based business, while what you do in the Air Force is. You are judged by your colleagues. You are judged by your peers. You represent the country when you put on the uniform. You are better for your service, and there is no greater thrill.

I want to share some thoughts with you about the war we are currently fighting. When we consider how we will win this conflict, we cannot help but talk about the law. This war presents challenges and issues completely different from previous wars.

How do we fight an enemy that is dispersed across the world, doesn't wear a uniform, does not defend a capital, and has no Air Force to shoot down? This is a new kind of war that no one has fully come to grips with on how to fight or win.

I believe the key to success in this war will be our American principles.

Our enemy fears our values more than anything. The law is not a weakness. The law is the strength of our nation. We can project force such as planes and bombs against our enemy, but more than anything



**SENATOR  
LINDSEY O. GRAHAM**

else, we can project an idea that is more powerful than they can possibly grasp.

We must throw everything we have as a nation against our enemy, with American values at every turn, and we will win.



As a senator, I'm trying as you are to project American values on the battlefield. Of all the wars America's been involved in, I've never seen a stronger role for the military-legal community.

Consider the role you play in the War on Terror. We are providing

legal counsel to those we take off the battlefield and put on trial before military commissions. We have implemented processes to determine guilt based on evidence rather than emotion. We are showing the world a better way and the fact that they don't do the same for us shows our way is better, not weaker.

Ladies and gentlemen, you represent what we're fighting for. I want to be secure as an American, but I don't think we will ever be secure if we apply situational ethics to the law.

The only real security in any society is the belief that if something happens and you find yourself in a legal setting, you'll get a fair shake. Think of all the places in the world where people don't believe in that basic principle.

In our system, the rule of law is the simple, beautiful concept—imperfect as it at times may be—you'll be held accountable based on what you did, not who you are.

We are going to show the world there is a way to administer justice where religion doesn't matter.

I don't want anyone in the world to believe a person held at Guantanamo Bay or any other military prison will be found guilty of a crime because we hate them, their religion or their tribe.

When an American military member makes a mistake or acts inappropriately, it hurts our overall effort.

When our legal system cuts corners or we view the law as a nicety—trying to ensure a particular result by going around the law—it hurts us beyond belief.

When I go home to South Carolina and talk about providing legal counsel to enemy combatants, it goes over like a lead balloon. Most Americans are rightfully upset about what happens to our people when they fall into the hands of the enemy. They understand clearly that our enemies are barbarians. It is a human tendency to want to push or strike back.

But the military tribunals at Guantanamo Bay will give us the opportunity to show the world a better way. We will judge those who wish us harm by a sustainable process established by the rule of law rather than by revenge.

Revenge would probably taste sweet going down, but it doesn't set well over time.

We've got a long way to go to figure out the rules of engagement with this enemy, but our guideposts are our values and 200 years of trying to find a better way for humanity.

What we do in this war will follow us into the next. General Rives and

General Dunlap have counseled Congress that what we do in this war will set in motion things that could come back to haunt us.

If we try a terrorist in a military tribunal and give the jury access to evidence that was not shared with the accused, then how do we object when Iran convicts one of our servicemembers after the Iranian judge receives secret files from the prosecutor?

We would object if an American military member was put on trial to face a serious sentence without an opportunity to see the evidence against him or her. But if we would have done it, it will have been very hard to have the moral authority to argue others should change their behavior.

Through your hard work and commitment to a value system greater than yourself, you and your colleagues will soon be on display to the whole world in trials at Guantanamo Bay.

There will be military tribunals with military prosecutors and military judges and civilian counsel and military counsel. The whole world will be able to watch, and we will show the world a better way. We will show the world that there is a way

to render justice without sinking to the lowest levels of humanity.

As a member of the Senate, I am very proud of you. I speak glowingly of who you are and what you believe.

General Rives and your senior leadership have been the conscience of America. You have come to Congress and, in a very reasoned way, explained that the Geneva Convention is an important idea and that even though our enemy doesn't adhere to it, we should.

You have come to Congress to tell us that if we start reinterpreting longstanding conventions and treaties, we will lose our moral authority in the world.

The strongest weapon America possesses is her moral authority to stand for good. The arbiters and standard bearers of that moral authority are the men and women on the battlefield.

And at the tip of that spear, when it comes to exercising moral authority, is the military justice system.

This is deadly serious business. What we do and how we do it will set in motion forces for better or worse for generations to come.

America has not come to grips with 9/11 completely. It is my hope that as the military-commission process moves forward, we'll be able to show the world that we can be at war and still have values.

If we reject the revenge that tastes so good politically, you will deliver a product that will be the model for the world and that every American will be proud of.

God bless you.

*Col Graham with coalition JAGs*



# PERSPECTIVE OF THE CHIEF MASTER SERGEANT OF THE AIR FORCE

I became a first sergeant in 1990, so I have spent a lot of time working with the Air Force legal community. I have many friends in the JAG Corps, and I cannot begin to tell you how much respect I have for what you do. You do so much for our Air Force, our Airmen, and our families, and I thank you very much.

Every leader, no matter if you're a staff sergeant, chief master sergeant, or four-star general, needs to be able to talk about what is happening in the Air Force and understand the Air Force's strategic vision and top priorities. Allow me to share some thoughts with you on each of these things.

Our number one priority is winning the War on Terror. We have an enemy that is intent on killing as many people as possible, and it is our job as leaders to make sure our Airmen are physically, emotionally, and spiritually ready to go to war. Everything we do should ensure we are fully prepared to do what our nation asks of us.

Our number two priority is developing and caring for Airmen and their families. This starts with recruiting. Our recruiters work in a tough environment, yet do a very good job bringing the best people into the Air Force. We continue to develop Airmen when we send them to basic training, where our military training instructors instill a warrior ethos and light a "fire-in-the-gut" of all our new Airmen. At technical school, we work to



**CMSAF  
RODNEY J. MCKINLEY**

keep that fire going as we prepare Airmen to move to their first duty stations.



Developing our Airmen does not stop when they leave technical school. We must develop Airmen from the time they arrive at their first duty station through every assignment of their career. That takes leadership, and that takes supervisors who are involved with their Airmen from the very beginning.

When an Airman arrives at a new duty assignment, I believe it is important for the supervisor to serve as that Airman's sponsor. The supervisor should be there in a crisp uniform to tell the Airman, "I am your supervisor, and I am going to make sure you can be successful in this Air Force." When the supervisor takes the Airman to his or her new dorm room, the supervisor should have already been there and checked the room out to make sure everything is in place and working. And wouldn't it be great if in the room there were hand-written notes from the squadron commander and first sergeant saying, "Welcome to our squadron. We're looking forward to the contributions you will make to our mission."

When we take steps like these, it motivates our Airmen and helps ensure they stay out of trouble. Members of the JAG Corps know that many Airmen get in trouble soon after arriving at their first duty stations. Many of our new Airmen don't even know who their supervisor is, and they think they are finally out of technical school and it is party time. Supervisors must be engaged from day one to instill our core values and make sure Airmen follow the rules. We must ensure that we keep our Airmen on the road of success rather than losing them early in their careers.

Back when I was a young Airman in 1974 or 1975, my supervisor was a staff sergeant. I thought very highly of him. Somehow, we have lost some of that respect, in part

because supervisors want to be nice. Supervisors don't seem to want to tell someone he or she needs to improve. Supervisors hesitate to tell an overweight Airman he or she might need to push away from the table a little bit. However, leadership is not a popularity contest. Leadership is about trying to make our people successful.

As we continue to downsize our Air Force, we will have less people. The people we have need to be as productive as possible. Good leadership will help to get the best out of our people. If some Airmen don't understand their responsibilities, we need to give them reasonable rehabilitative opportunities to stay in the Air Force. If they don't get it, we need to quickly show them the way to the civilian force.

Education is also key to developing our Airmen. We are doing a great job now in Community College of the Air Force enrollments and graduations, and we need to continue to give our Airmen the opportunity to get a college education. Some supervisors apply strict rules that



*CMSAF McKinley talking with MSgt Sherry Bowes, 6 AMW/JA, at KEYSTONE*

they won't allow Airmen to take any college courses until they have completed their career development courses and upgrade training. Unless an Airman is not performing adequately on his CDCs or upgrade training, I think that is wrong. In my time as a first sergeant and command chief, I have yet to see a discharge package for a two-time CDC failure because the person was taking college courses. Many Airmen came into the Air Force to get an education. Our Airmen are very smart, and we need to give

them opportunities to succeed.

Our third priority is to recapitalize and modernize our Air Force. Very few people drive 25-year-old cars. Older cars have corrosion problems, you can't find parts, and maintenance is difficult. In addition, older cars lack modern systems and conveniences. Yet every day, our Air Force flies combat missions, providing air support; airlift; intelligence, surveillance, and reconnaissance; and every other type of mission, with aircraft that

*CMSAF McKinley addressing Airmen at KEYSTONE*



## PERSPECTIVE OF THE CHIEF MASTER SERGEANT OF THE AIR FORCE

average 25 years of age. Our tanker fleet is as old as I am. By the time we field a new tanker aircraft, we will be flying tankers that are 80 years old.

We cannot continue down the road where our aircraft keep getting older and older. If we let that happen, our air superiority is at risk, and air superiority is the reason we have not had an Airman, Soldier, Sailor or Marine attacked by an opposing enemy from the air since April of 1953 in Korea. Once we lose our air superiority, everybody on the ground becomes threatened by opposing air power. We can't allow this to happen, and so we must modernize our air fleet.

The thing that will get us through all this is good leadership. We are facing some of the biggest changes our Air Force has faced. We are in the middle of war, we have to reduce our force, and we must recapitalize and modernize. We must have leadership that is able to talk to every Airman about the realities and the challenges we face, because we need to keep our Airmen focused on the jobs before them.

There are leadership challenges. Sometimes we are afraid to tell people when they are doing things wrong. Sometimes people think that following certain rules just isn't as important as following others. But how can we have people deciding to follow this rule but not another rule? It is about discipline. It is about integrity. It is about doing the right thing when no one's looking.

Take the time and make the effort to talk about these things.



We are at war. We have Airmen, Soldiers, Sailors, and Marines dying in support of our missions. This is important work that we're doing. To be doing it right, we must have the inner strength to correct someone who is going down the wrong path to put them back on the right path.

People often ask me about my greatest achievement in the Air Force. Many expect me to say it is being the Chief Master Sergeant of the Air Force, but it's not. My greatest achievement involves dealing with people, including people who were going down the wrong path. As a leader, when you put a person on the right path and see them successful years later, there is no greater achievement.

Leadership is not a popularity contest. It is about doing the right

thing to take care of the Air Force mission and also take care of your people. We are at war, and you have the opportunity to lead now when your nation needs you most. I want everyone who serves to be able to look back and say it was a pleasure to serve our country when our country needed us in a time of war. Every person should be proud to have given his or her best effort. What a pity if when we look back we have to say, "I wish I would have done better."

I want to thank each of you for what you are doing for our Air Force. I know you are great leaders. I know the job that you are doing out there in the JAG world because I have worked with you in that world for many years. God bless each and every one of you.

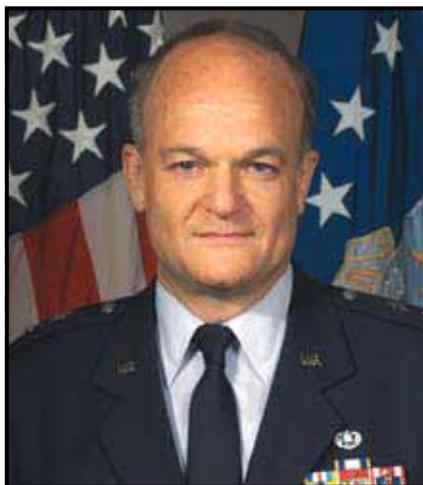
*My leadership arose from that of my superiors and their willingness to let me explore new ground. It worked for both of us and also the Air Force.*

– Brig Gen Michael W. McCarthy, USAFR (Ret.)

# THE OFFICE OF THE JUDGE ADVOCATE GENERAL

The Judge Advocate General's Corps delivers professional, candid, independent counsel and full-spectrum legal capabilities to command and the warfighter. The Judge Advocate General (TJAG), in addition to directing the Office of The Judge Advocate General (HQ AF/JA) leads the entire Air Force JAG Corps in the accomplishment of that mission. In that capacity, TJAG oversees the professional activities of more than 2100 judge advocates, 330 civilian attorneys, 1390 enlisted paralegals, and 540 civilians in the worldwide Total Force JAG Corps. The JAG Corps provides military justice, operational, international, and civil law legal services at every level of command throughout the Air Force. TJAG also provides advice to the Secretary of the Air Force, the Chief of Staff of the Air Force, and the members of the Air Staff on a broad range of legal issues.

The Office of The Judge Advocate General consists of nine divisions. They are: the Administrative Law Division (JAA), the Policy and Project Integration Division (JAG), the Operations Law Division (JAO), the Air Reserve Component Advisor to TJAG (JAR), the Air Force Trial Judiciary (JAT), the Professional Responsibility Division (JAU), the Professional Development Division (JAX), the Senior Paralegal Manager to TJAG (JAY), and the Plans and Programs Division (JAZ). In addition, two major organizations



**MAJ GEN  
JACK L. RIVES  
THE JUDGE ADVOCATE  
GENERAL**



**MAJ GEN  
CHARLES J. DUNLAP, JR.  
THE DEPUTY JUDGE  
ADVOCATE GENERAL**

report directly to TJAG: the Air Force Court of Criminal Appeals (JAH) and the Air Force Legal Operations Agency (AFLOA).

## **JAG CORPS 21**

Through a variety of JAG Corps 21 initiatives, the JAG Corps continues to advance as a lean, agile, ready, and effective force honed for a dynamic environment. In the two years since General Moseley challenged the JAG Corps to transform to best support the people and mission of the Air Force, the JAG Corps has made incredible progress.

The Claims Service Center, the Tort Claims Field Support Center (FSC), the Labor Law FSC, and the Commercial Litigation FSC became fully operational in 2007. The FSCs have written action-officer handbooks outlining the relationship between legal professionals in the field and each of the FSCs. The handbooks describe the areas of expertise and processes for each FSC and provide useful tips and tools for leveraging FSC support.

Additionally, The Judge Advocate General's School developed distance-education modules as auxiliary learning tools for subject matter expertise. The goal of each course is to prepare the chief of a practice area for the challenges of leading a division.

2008 will begin the next phase: JAG Corps 21 Horizons. This new

## THE OFFICE OF THE JUDGE ADVOCATE GENERAL

and comprehensive initiative will accelerate our momentum as we continue to develop USAF legal services, in particular the general and operational features of the FSCs. Through JAG Corps 21 Horizons we will take stock of where we are—and help the JAG Corps answer, “what’s next?”

### PARALEGAL UTILIZATION

Today’s JAG Corps paralegals set the bar for the entire enlisted force

in professionalism, dedication, and mission effectiveness. Recognizing the importance of setting high goals for a dynamic force, TJAG issued a new policy memorandum on paralegal utilization that ensures our paralegal force will be used to its fullest potential to properly meet the needs of command and the warfighter.

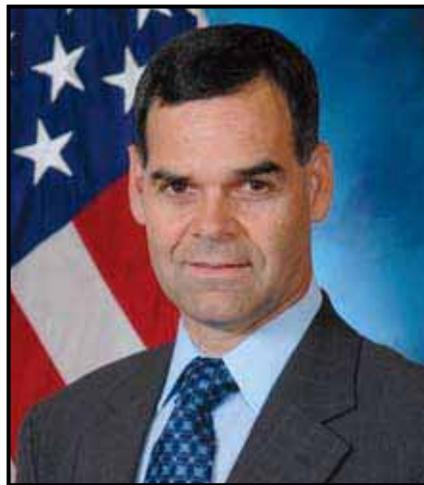
The TJAG policy memorandum on optimal paralegal utilization recognizes the force multiplying

role paralegals play within a legal office and across the Air Force. This policy memo encourages optimal utilization of paralegals, increases awareness of the range of duties that paralegals may perform, and publishes a list of advanced paralegal tasks. By identifying ways paralegals can be used in advanced roles throughout the Corps, the new policy memorandum maximizes paralegal skill, talent, and experience.

## JAA

The Administrative Law Division (HQ AF/JAA or JAA) provides legal advice and assistance to the Air Staff; elements of the Secretariat including the Personnel Council, the Board for Correction of Military Records, and the Discharge Review Board; The Inspector General; and command and staff judge advocates on matters relating to the organization, administration, operation, personnel, and functions of the Air Force. JAA is staffed by 15 active duty and civilian attorneys, and this year witnessed a rare “changing of the guard” in the division’s leadership. After 12 years at JAA’s helm, Mr. Harlan G. Wilder retired, and Mr. Conrad M. Von Wald took over as the Chief, JAA. Similarly, after more than 32 years as the deputy chief, Mr. Richard A. Peterson retired, and Mr. Gregory Girard became the new deputy chief.

Members of JAA served in many roles: panel chairman of the Air Force Board for Correction of Military Records, president of



**MR. CONRAD M. VON WALD**  
**DIVISION CHIEF**

the Air Force Personnel Security Appeal Board, and as a member of the JAG Corps Ethics Committee. Additionally, two members were assigned individual representation duties. One was detailed by The Judge Advocate General (TJAG) to serve as a military legal advisor to an officer indicted by a foreign court for allegedly participating in an abduction and rendition of a suspected terrorist. Another was detailed to represent an

Air Force member requested to appear before the Senate Armed Services Committee pursuant to the committee’s investigation of detainee interrogation operations in Iraq.

The division is responsible for maintaining two Air Force policy directives and nine instructions, in addition to overseeing the administration of the policy on homosexual conduct Air Force wide. It reviews adverse personnel actions on officer personnel, including officer administrative discharges, promotion propriety actions, and senior officer unfavorable information files. Three JAA judge advocates are assigned to SAF/IGS to provide direct legal and investigative support to the Air Force Inspector General (IG) and his staff on every IG investigation involving a subject in the grade of colonel-select and above, as well as civilian-employee equivalents. One JAA judge advocate is assigned as to SAF/IGQ to provide legal advice to the IG Complaints Resolution

Division on all investigations of reprisal, restriction, and improper mental health referrals, as well as requests for IG records. The division further reviews and takes final Secretarial action on complaints under Article 138, Uniform Code of Military Justice, and issues reviews on actions by the Board for Correction of Military Records.

During 2007, JAA was involved in a number of significant efforts, including:

#### **ATTORNEY QUALIFICATIONS**

The division headed a multi-divisional team to review all aspects of how and when we evaluate individual military and civilian attorney credentialing. TJAG adopted the team's recommendation that all our judge advocates and civilian attorneys be in an "active" status, as defined by their applicable state bar, both as a condition of accession and to maintain that status thereafter. It also imposed an annual Roster-based self-verification requirement coupled with random supervisory verification. The study also noted that states' treatment of active duty judge advocates varies considerably and the applicable standards are in some cases not readily apparent.

#### **C<sup>2</sup> ENABLING CONCEPT**

As legal advisor to the Vice Chief of Staff of the Air Force's Command and Control (C<sup>2</sup>) Enabling Concept Task Force, JAA assisted in creating a viable plan to reorganize the Air Force in a manner that allows for the consolidation of management functions throughout all echelons of command. The end product, a program action directive, could

represent the first large-scale reorganization of the Air Force in two decades.

#### **TOTAL FORCE INTEGRATION**

The integration of active, Reserve, and Guard forces represents a continued paradigm shift for the Air Force and presents unique legal challenges, particularly in the area of command and control. JAA has worked closely with Air Force Strategic Plans and Programs (AF/A8) to identify the legal parameters for integrating the active, Reserve, and Guard components and craft strategies that will permit the Air Force to leverage the experience and skills of Air Reserve Component (ARC) personnel. In coordination with AF/A8, JAA drafted legislative proposals that will expand the permissible roles of ARC personnel with respect to training active duty personnel and supporting operational missions. The Fiscal Year 2007 National Defense Authorization Act incorporated most of these changes. JAA continues to examine legal options for further integration opportunities.

#### **PLAN FOR RELOCATING, FUNDING, AND MANNING OF DRUG LAB**

JAA continued to lead efforts towards ensuring the future of the Air Force Drug Testing Laboratory in view of changes mandated by the Base Realignment and Closure Commission process. JAA worked closely with the Air Force Surgeon General (AF/SG) and the Department of Defense (DOD) to devise a plan to relocate the lab and make its operations more efficient.

#### **EEO/MEO CONSOLIDATION**

JAA participated in the Air Force Manpower and Personnel's (AF/A1) Air Force Smart Operations (AFSO) 21 streamlining of the military equal opportunity and equal employment opportunity programs. The result is a DOD-leading combination of the two career fields. JAA helped rewrite the policy documents and Air Force Instructions to ensure this change was accomplished efficiently while meeting both programs' legal requirements.

#### **PROMOTION PROPRIETY PROCESS**

Working closely with AF/A1 and the Air Force General Counsel, National Security and Military Affairs Division, as part of an AFSO21 rapid improvement event (RIE), JAA assisted in significantly streamlining the process for active-duty promotion delays and removals. Developing the Air Force Form 4363 to drive the new process, the RIE has slashed processing times from six months to 60 days.

#### **LEGAL SUPPORT TO THE INSPECTOR GENERAL**

JAA helped rewrite Air Force Instruction 90-301, Inspector General Complaints Resolution; created a first-ever standards guide to assist senior official inquiries investigators in identifying proper standards for various complaints; and helped author policy letters for two major command transportation offices to ensure appropriate and efficient use of government motor vehicles for transportation to and from air terminals. Some of the cases JAA assisted in investigating

## THE OFFICE OF THE JUDGE ADVOCATE GENERAL

resulted in substantiated allegations for travel and TDY abuse; using public office for private gain; lying; cruelty and maltreatment; and reprisal. JAA also aided in the investigations of allegations against senior officials for sexual misconduct, abuse of authority, and security violations.

### CONGRESSIONAL INVESTIGATION INTO DETAINEE INTERROGATION TECHNIQUES

JAA served as the focal point for the Air Force on all matters relating to the Senate Armed Service Committee's inquiry into DOD's policy concerning detainee

interrogation techniques. JAA not only provided key policy advice, but also facilitated appointment of individual counsel to assist Air Force personnel providing evidence before the Committee.

## JAG

In 2007, the Policy and Project Implementation Division (HQ AF/JAG), also known as The Judge Advocate General (TJAG) Action Group (TAG), continued to develop, communicate and implement strategic-level JAG Corps initiatives. The TAG produces and executes a wide variety of projects for TJAG and serves as the focal point of integration for three primary areas: policy and special projects, strategic communication, and executive services. The TAG team includes three active duty judge advocates, one Reserve judge advocate, two civilian attorneys, two paralegals, and one civilian administrator.

### POLICY AND SPECIAL PROJECTS

The Policy and Special Projects Branch is the principal policy advisor to TJAG. It conducts and coordinates special Office of The Judge Advocate General (OTJAG) projects and provides the strategic links across the entire spectrum of JAG Corps operations.

In 2007, the branch led the development of the JAG Corps strategic plan, which encompasses the JAG Corps mission, values



**COL SHARON K. SUGHRU**  
**DIVISION CHIEF**

and vision, and priorities and objectives. It also participated in the development of a number of Corps-wide projects, events, and publications, including: TJAG's policy on optimal paralegal utilization, Spiral 3 video teleconference installation, the attorney credentialing study, planning for a training requirements system, and the TJAG Action Line.

Key in the development, implementation, and continued execution of JAG Corps 21, the branch developed the JAG Corps 21 trifold publication for distribution to internal and external audiences. The trifold

is an excellent resource for explaining the important ways JAG Corps 21 enables the JAG Corps to ensure timely and effective legal support. Recently, the branch developed "JAG Corps 21 Horizons" as a comprehensive approach to mapping the continuing development of JAG Corps 21. This program features Horizons teams of field and AFLOA participants who will refine how installation and higher-headquarters legal offices will work together with Field Support Centers and other elements of JAG Corps 21.

Leadership development and enhancement remained a major focus area for the branch in 2007. The TAG researched hundreds of speakers to arrive at a creative agenda for the 2007 KEYSTONE Leadership Summit and developed and implemented the innovative and successful leadership seminars conducted at KEYSTONE. In addition to developing the agendas for two executive conferences, the branch initiated Heritage to Horizons meetings, bringing together 19 former JAG Corps senior leaders who serve as the Corps' senior mentors.

## STRATEGIC COMMUNICATION

The Strategic Communications Branch identifies, develops, and implements communication strategies, policies, plans, standards, and procedures for TJAG. The branch is the liaison with public affairs to plan and facilitate JAG Corps involvement with media outlets, professional organizations, and the general public.

The Strategic Communications Branch also collects, consolidates, drafts, and transmits information, briefings, and speeches to internal and external audiences. They are also responsible for the JAG Corps weekly Online News Service and the JAG Family News, both of which provide direct communication between JAG Corps leaders and members of the Corps as well as highlight accomplishments of JAG Corps members. In 2007, the Strategic Communications Branch developed the format and implementation plan for JAG Corps senior leaders to conduct regularly scheduled VTC meetings as a method of ensuring continuing dialogue on key Air Force and JAG Corps issues. They conceived a new concept for briefing at the Wing Commanders Course to convey the type of outstanding support provided by legal offices throughout the Air Force. During 2007, the Strategic Communications Branch completed over 600 notes, letters, and e-mails on behalf of TJAG; numerous PowerPoint briefings and presentations; and coordinated and executed speaker presentations for the 2007 KEYSTONE Leadership Summit.

*Learn to delegate; then do it, and let go. Always remember that although you may have delegated the action, the responsibility is still yours.*

Col Everett G. Hopson, USAF (Ret.)

## EXECUTIVE SERVICES

The Executive Services Branch serves as the focal point for the planning and execution of JAG Corps events, including: KEYSTONE Leadership Summits, executive conferences, and ceremonies hosted by TJAG or DJAG. This function also establishes, controls, and monitors all AF/JA-level suspenses and provides additional administrative and logistical support to TJAG. During 2007, the Executive Services Branch managed 23 promotion and retirement ceremonies, the AFLOA Change of Command, two executive conferences, wingman day, a foreign delegation visit, Supreme Court bar admissions for 31 JAGs and dependents, and three visits to the Pentagon by JASOC classes. For the 2007 KEYSTONE Leadership Summit they worked with Air Force Graphics to develop unique graphics that presented the messages of the Summit in a highly professional manner, made DV arrangements, and ensured mementos were available to all attendees.

Two additional special events occurred in 2007: the Heritage to Horizons Summits and the ribbon cutting ceremony for the Claims Service Center. The Heritage to Horizons Summits brought together 19 former senior leaders with current senior leaders to discuss current JAG Corps missions and issues. The Secretary of the Air Force,

along with other senior leaders from the Air Force and Defense Finance and Accounting Service, participated in the ribbon cutting ceremony for the opening of the Claims Service Center. Executive Services provided logistics and protocol support to these events and ensured the flawless execution and the superior impact of both.

## 2007 KEYSTONE LEADERSHIP SUMMIT

The TAG played a vital role in planning and executing the 2007 KEYSTONE Leadership Summit, held in Atlanta, Georgia, from 21-27 October 2007. The Summit was a resounding success, with more than 700 judge advocates, civilian attorneys, paralegals, and distinguished guests participating.

The theme of KEYSTONE 2007, "Living the Vision," incorporated the JAG Corps Mission and Vision statements. The events of the week examined how members of the JAG Corps have internalized those statements and our common guiding principles of Wisdom, Valor, and Justice. A number of the plenary session speakers related our principles to the global challenges before us. Additionally, panel discussions with our sister service TJAGs and senior enlisted Air Force leaders highlighted the common values throughout each of the military services and our Air Force.

# JAH

The Air Force Court of Criminal Appeals (AFCCA) reviews court-martial convictions with an approved sentence extending to death, punitive discharge or dismissal, or confinement for 12 months or longer under Article 66(b), Uniform Code of Military Justice (UCMJ). The court also reviews cases referred to it by The Judge Advocate General under Article 69(b), UCMJ, as well as certain government appeals of rulings by military judges under Article 62(b), UCMJ. Petitions for a new trial under Article 73, UCMJ, and other petitions for extraordinary relief may also be reviewed by the court.

Over the course of 2007, the Court reviewed approximately 540 cases. During that same time, the court received approximately 340 new cases, thereby reducing the court's backlog by about 200 cases. In 2007, the court heard three oral arguments through Project Outreach at Lackland Air Force Base, Texas; Maxwell Air Force Base, Alabama; and the Chicago-Kent College of Law at the Illinois Institute of Technology, Chicago, Illinois. The court is combining Project Outreach with JAG Corps recruiting goals by holding more oral arguments at civilian law schools and inviting local JAGs to assist with recruiting questions. Currently, there are Project Outreach arguments scheduled for early 2008 at the Michigan State University College of Law and the Louis D. Brandeis School of Law at the University of Louisville.



**COL JAMES R. WISE**  
**CHIEF JUDGE**

In 2007, the court saw changes in personnel with the retirement of Chief Judge Bruce T. Brown, Senior Judge Christopher Mathews, as well as the departure of Judge Amy M. Bechtold. The court welcomed the arrivals of Chief Judge James R. Wise and Judge Joseph Heimann in 2007. Currently, there are eight active duty and two Reserve appellate military judges sitting on the court. The court also welcomed two former area defense counsel as the new chief commissioner and a new honors law clerk, as well as a new clerk of court and a new chief court administrator in 2007. The court's seasoned honors law clerk spent four months in Baghdad, Iraq, with Task Force 134.

In addition to their statutory duties regarding the military justice appellate process, members of the court have extended their judicial experience to other important areas. Along with a number of appellate military judges from our sister service Courts of Criminal

Appeals, four AFCCA judges have been appointed to the United States Court of Military Commission Review (USCMCR). In accordance with the Military Commissions Act of 2006, the USCMCR has automatic appellate jurisdiction over any finding of guilty under the act, which includes the criminal prosecution of "alien unlawful enemy combatants engaged in hostilities against the United States." In addition to this role, members of the court have also been given primary responsibility for conducting environmental impact hearings in accordance with the National Environmental Policy Act. The appellate military judges preside over the hearings, allowing for federal receipt of public comment on any potential change in base mission which could impact the environment. Finally, former military trial judges serving on the court assist the trial judiciary by serving as trial judges in military courts-martial as needed.

The court implemented a number of new initiatives in 2007. First, the appellate military judges have begun telecommuting on Tuesdays and Thursdays, allowing the judges more time to review records of trial and address appellant assignments of error without interruption. Additionally, the court implemented a strategic vision to electronically modernize the court's processes. This plan included the transition from allowing only paper filing of pleadings and motions to allowing

electronic filing as well. This initiative will streamline the filing process, significantly cut back on the use of resources, and will

permit after-hours filings and pleadings. Along these same lines, the court is pursuing an electronic docketing and tracking database

through AFLOA/JAS, which will permit the real-time tracking and monitoring of all cases currently docketed with the AFCCA.

## JAO

During 2007, the Air Force Operations and International Law Division (HQ AF/JAO or JAO) assisted The Judge Advocate General in responding to issues across the full spectrum of Air Force operations. A few highlights follow:

### WEAPONS REVIEWS

JAO worked closely with the Joint Non-Lethal Weapons Directorate on legal and policy implications surrounding the potential fielding of revolutionary new non-lethal technologies. JAO joined the directorate in unveiling the Active Denial System to the general public and addressed questions and concerns from a wide range of observers, including Human Rights Watch. JAO also reviewed the legality of weapons such as the small diameter bomb, non-lethal artillery projectile, special operations combat assault rifle, and tasers.

### DOCTRINE AND PUBLICATIONS

As the AF/JA focal point for the development and review of joint, allied, multi-service, and Air Force doctrine and publications, JAO is a member of the Air Force Doctrine Working Group and reviewed over 80 publications. JAO took a leading role in drafting doctrine on irregular warfare and is currently



**COL MARY V. PERRY**  
DIVISION CHIEF

working on doctrine for cyberspace operations. JAO also revised and updated JA publications on the foreign tax relief program, law of war policy, weapons review, and criminal jurisdiction over friendly foreign forces and sending states in the United States.

### DETAINEE OPERATIONS

JAO assisted TJAG in formulating the AF/JA position on interrogation practices, detainee treatment, and military commissions in response to proposed legislation and other initiatives. JAO provided analysis of Executive Order 13440 regarding the CIA detention and interrogation program. JAO addressed issues of training, accountability, and command authority in having contractors interrogate detainees. JAO

commented on draft legislation prohibiting the expulsion, return, or extradition of persons to countries that torture. Finally, JAO provided proposed positions on draft legislation to close the detainee facility at Guantanamo Bay. JAO continues to monitor the progress of federal cases, including cases before the Supreme Court, covering detainee issues.

### UNITED NATIONS' LAW OF THE SEA CONVENTION

In support of the Administration's desire that the Senate ratify the United Nations' Law of the Sea Convention, JAO joined the Navy, State Department, and Coast Guard in providing multiple briefings to staff members on the Senate Foreign Relations Committee to explain the treaty's importance to the Air Force.

### DOD LAW OF WAR WORKING GROUP (LOWWG)

As the AF/JA representative, JAO actively participated in the LOWWG and took the lead on significant projects. JAO reviewed and critiqued the draft Manual on the Law of Air and Missile Warfare being prepared through the Harvard University Humanitarian Policy and Conflict Research Program. JAO also

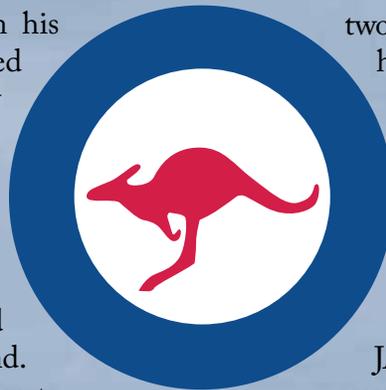
# SPOTLIGHT ON... A FOREIGN EXCHANGE OFFICER

Squadron Leader Pat Keane is a legal officer of the Royal Australian Air Force, serving on exchange with the Air Force Operations and International Law Division (HQ AF/JAO).

An experienced international lawyer, SQNLDR Keane was an intelligence officer before becoming a legal officer and has had extensive deployment and operations experience, including tours at the Combined Air Operations Center for U.S. Central Command. With this background, SQNLDR Keane brings an important perspective and range of experiences to JAO. In his typically succinct style, he has described that perspective this way: "Every country has its own approach to international law issues, particularly in the field of the law of armed conflict. Most of the major military operations in which the United States is involved are coalition operations and this appears to be a continuing trend. Understanding the different approaches to legal issues taken by allies and partners helps us work more closely together."



**SQNLDR PAT KEANE**  
HQ AF/JAO  
WASHINGTON D.C.



As an action officer at JAO, SQNLDR Keane has provided insightful analysis and perspective on a host of issues, from the military commissions process at Guantanamo Bay to air interdictions under the Proliferation Security Initiative to comments on the Manual on the Law of Air and Missile Warfare. From shaping doctrine to assisting The Judge Advocate General prepare for testimony before the Senate Armed Services Committee, SQNLDR Keane plays a key role in many of the major operations and international law issues facing the Air Force.

SQNLDR Keane will complete his two-year exchange tour in March 2008. About his tour, he says, "My time working with the U.S. Air Force and living in the United States has been the highlight of my military career. I have gained so much, both professionally and personally, from this posting and I am very grateful to the JAG Corps for making me feel so welcome." As much as he has gained, the JAG Corps has been doubly enriched by his presence. The only consolation for his departure is his assurance that the officer relieving him is cut of the same cloth.

developed critical comments to a report by the International Committee of the Red Cross defining "direct participation in hostilities." Other issues JAO worked included clarifying the status of medical personnel who fill combatant roles and then return to medical duties, and clarifying the bases and process for reporting potential law of war violations.

## **UNMANNED AERIAL SYSTEMS (UAS)**

JAO remained actively involved in shaping and developing policy and doctrine for the employment of UAS. JAO provided analysis on legal concerns stemming from the use of civilians and private contractors in armed UAS operations, developed rules to govern the use of UAS in domestic

operations, and advised on the characterization and reporting of UAS under various arms control treaties and agreements, including the Conventional Armed Forces in Europe Treaty.

## **LESSONS LEARNED IN CONTINGENCY OPERATIONS**

JAO extensively reviewed the experiences reported on the

procurement and acquisition of goods and services in Iraq and Afghanistan, and assisted SAF/GCQ with developing “Iraqi First” legislative proposals to allow preferential treatment for Iraqi firms seeking contracts in Iraq.

### **MILITARY AIRCRAFT ISSUES UNDER INTERNATIONAL LAW**

JAO attended periodic meetings of an interagency working group, which develops U.S. policy on aviation-related fees. JAO also reviewed and responded to questions from the Air Staff on the status and required markings of military aircraft under customary

international law. JAO coordinated on the Air Force response to requests by other countries to board and inspect U.S. military aircraft.

### **STATUS OF FORCES AGREEMENTS (SOFA)**

JAO provided guidance on the interpretation of SOFAs, including the SOFA implications of foreign exchange officers, and also routinely briefed Air Force members being assigned to U.S. embassies worldwide on their status in those assignments.

### **ROE BRIEFINGS AND LOAC TRAINING**

JAO coordinated on the inclusion



*Col Perry speaking at KEYSTONE*

of law of armed conflict/rules of engagement training in the curriculum of Expeditionary Airmen Training and presented regular theater-specific briefings at the Combat Skills Training Course at Fort Dix, New Jersey.

## JAT

The Air Force Trial Judiciary (HQ AF/JAT or JAT) docket all Air Force general and special courts-martial and presides over an array of federal hearings. JAT is staffed by 20 active duty judges, ten Reserve judges, three paralegals, and a civilian. The Office of the Chief Trial Judge is co-located with the Central Docketing Office (CDO) at Bolling Air Force Base, Washington D.C., and the remaining JAT personnel, all trial judges, are now postured in geographically advantageous locations around the globe. In 2007, JAT underwent extensive restructuring to maximize support to the Air Force mission and enhance the professional development of its personnel.

Through a JAG Corps 21 initiative, JAT relocated a number of judge



**COL DAWN R. EFLEIN  
CHIEF TRIAL JUDGE  
OF THE AIR FORCE**

billets to bases with a traditionally high number of courts-martial and/or easy access to transportation hubs. In summer 2007, the two Pacific judges moved from Yokota Air Base, Japan, to Kadena Air Base, Japan, and two judge billets

transferred from Washington D.C. to Charleston Air Force Base, South Carolina, and Eglin Air Force Base, Florida. Efforts are now underway to station two judges in summer 2008 at McChord Air Force Base, Washington, and Offutt Air Force Base, Nebraska, and two judges are expected to move in summer 2009 to Sheppard Air Force Base, Texas, and Buckley Air Force Base, Colorado.

Moving trial judges from five central locations to a diverse array of one- or two-judge locations presented a tremendous manpower advantage for the JAG Corps. JAT eliminated the circuit administrator paralegal positions. Also, moving judges closer to busy courtrooms and more efficient travel hubs improved efficiency. As a result, JAT will return three judge positions to

## THE OFFICE OF THE JUDGE ADVOCATE GENERAL

the JAG Corps in summer 2008. Considering JAT's limited size, the manpower dividends from the realignment are tremendous.

Professional development concerns related to decentralizing judges were addressed by establishing a mentoring framework for junior judges. The initiative ensures junior judges maintain open communication with senior judges even without day-to-day office interaction. Cross-feed of information and judicial mentorship remains paramount, so JAT implemented chief regional military judge positions to provide judges with professional oversight and rating authority, an experienced judicial resource, and mentorship for career advice.

The creation of the chief regional military judge positions dovetails with JAT's recently-created "seedo" training program. New trial judges watch, and later preside over, a guilty-plea trial and a litigated trial with members while under observation of a chief regional military judge. This quasi-apprenticeship for new judges allows them to learn under expert tutelage while also fostering judicial collegiality and professional dialogue among military judges.

JAT also leveraged technology to maintain high levels of support to judges and base legal offices. A new JAT website was launched to replace the previous circuit websites. This website provides a single on-line resource for trial judiciary matters and a cyber-residence for the CDO. The judiciary docketing system (an interactive, on-line judicial calendar), various docketing documents, and

the hyper-linked Uniform Rules of Practice Before Air Force Courts-Martial are all maintained on JAT's new website. Stateside, active duty judges are now equipped with wireless technology, enabling them to maintain internet connectivity for research and communication while operating within Air Force security protocols. Efforts to link the judiciary docketing system with AMJAMS to expand information capabilities, reinforce on-line capabilities, and allow for management of CDO docketing documents are now underway.

JAT also aligned judiciary support for the air and space expeditionary force (AEF) deployment model. Until 2007, judges from Europe presided over virtually every Air Force trial in Central Command's area of responsibility (AOR), placing a disproportionate burden on judges from Europe and limiting JAT's remaining judges from professionally rewarding opportunities. JAT's new deployment model spreads deployments across all judges. Two judges serve in enabler status for each AEF cycle, and they are prepared to deploy when requested by the AOR. Deploying judges travel to the AOR as required, and then they rotate back to meet home station demands. The first set of AEF judges was postured in November 2007.

The Trial Judiciary has maintained a steady workflow throughout the year. In 2007, Air Force trial judges presided over more than 640 general and special courts-martial. Judges also presided over numerous post-trial hearings, sat as legal advisors in high-profile Article 32 hearings and administrative discharge

boards, assisted as hearing officers for environmental impact statement hearings (including one high-profile hearing attended by over 350 people), and reviewed tens of thousands of pages of records of trial.

Air Force judges also instructed at trial advocacy courses and programs throughout the country and overseas to enhance practitioners' litigation skills. Colonel Dawn Efein participated in a Defense Institute of International Legal Studies program in Buenos Aires with the Argentine Ministry of Defense to teach officials about sexual harassment and sexual assault issues. Col Efein, Colonel Tom Cumbie, Lieutenant Colonel John Hartsell, and Major Bryan Watson instructed new military judges at the Army Judge Advocate General's Legal Center and School. Col Efein and Lt Col Hartsell also lectured at Judge Advocate Staff Officer Courses at The Judge Advocate General's School.

JAT continues to serve as the service sponsor for the Interservice Military Judges Seminar (IMJS), which brings military trial judges together to review recent developments in military criminal law and effective techniques of judicial management. IMJS 2007 included briefings by service judges, Professor David A. Schlueter, St. Mary's University School of Law; The Honorable Andrew S. Effron, Chief Judge, United States Court of Appeals for the Armed Forces; and Congressman Terry Everett of Alabama. IMJS 2007 had over 120 attendees, and was hosted by The Judge Advocate General's School.

Members of JAT distinguished themselves this year within a number of professional communities. Col Eflein participated in a congressional caucus for women's issues attended by congresswomen, senators, and

judicial leaders across the country. Serving as ex officio members of the Military Judges' Benchbook Committee, Colonel Stephen Woody and Lieutenant Colonel Jennifer Whittier each earned the Army Achievement Medal for

their extensive work in drafting pattern jury instructions and incorporating substantive changes to military sex crime offenses enumerated in the Uniform Code of Military Justice.

## JAU

Lieutenant Colonel Mark H. Patterson is the Director of the Office of Professional Responsibility (AF/JAU or JAU) and The Judge Advocate General's Professional Responsibility Administrator (TPRA). JAU processes cases involving alleged professional responsibility violations, provides advice and counsel through informal and formal advisory opinions, publishes new developments in the area of professional ethics and standards, and conducts professional responsibility training. Lt Col Patterson also serves as an advisor to TJAG's Advisory Committee on Professional Responsibility and Standards. The committee includes as permanent members the heads of the General Law Division, the Civil Law and Litigation Directorate, and the Military Justice Directorate. Lt Col Patterson and a Reserve individual mobility augmentee, Lt Col Lee Gronikowski, staff JAU.

During 2007, JAU helped guide a TJAG-chartered attorney qualification study group which led to the Air Force JAG Corps adopting an "active" license requirement and a random verification program. As a follow-on to the study group, TJAG appointed Lt Col Patterson as



**LT COL  
MARK H. PATTERSON  
DIVISION CHIEF**

a member of the newly formed TJAG "Attorney Qualification Committee" which is working to standardize and simplify licensing requirements for JAG Corps attorneys. JAU provided continuing legal education (CLE) training to over 500 members of the JAG Corps—active duty, Reserve, and Guard—as well as to sister service attorneys and other federal civilian attorneys. Innovative training developments in 2007 included the use of webcasts, live music, and movies. JAU also provided training support to various JAG Corps conferences and to The Judge Advocate General's School. JAU published three practice-related

articles in *The Reporter* and several items in the weekly TJAG Online News Service. JAU provided informal counsel to dozens of attorneys around the world, helping to avoid ethical problems before they become complaints, and helped coordinate responses on four requests for formal opinions. Finally, JAU closed 20 professional responsibility cases while continuing to coordinate on eight open inquiries.

In the future, JAU will enhance ties to the disciplinary counsels of the state and territorial attorney licensing authorities through recently-acquired Air Force JAG Corps membership in the National Organization of Bar Counsel. JAU will continue efforts to summarize and consolidate disciplinary files into a searchable electronic storage system, with Legal Information Services support. Under TJAG's direction, JAU will revise the Air Force Rules of Professional Conduct and Standards of Civility to more closely conform to revised ABA Model Rules where applicable to an Air Force practice, and JAU will rewrite the Professional Responsibility Program policy memorandum to clarify complaint processing and advisory opinion policy.

# JAX

Chances are good that if you ask a member of the JAG Corps what JAX does you'll hear, "JAX works assignments." While this is true, it only scratches the surface of the Professional Development Division's (HQ AF/JAX or JAX) wide-ranging responsibilities to each individual member of the JAG Corps. In fact, JAX does much more than just officer assignments. JAX is responsible for implementing and managing all phases of JAG professional development by directing personnel programs. These programs include recruiting, accessions, professional education, personnel policy and manpower, deployments, and assignments for more than 1200 judge advocates worldwide. JAX establishes policy, standards, procedures, and guidelines related to the professional development of judge advocates and JAG Corps civilian attorneys, paralegals, and civilian administrators.

JAX is actively involved in all phases of a judge advocate's Air Force career. JAX manages base-level recruiting efforts and coordinates participation in nationwide recruiting fairs. Once prospective judge advocates submit applications through the various accession programs, JAX conducts selection boards and works with each selectee to ensure his or her



**COL TONYA HAGMAIER  
DIVISION CHIEF**

smooth transition to active duty. JAX also oversees all phases of education and training, including continuing legal education, LL.M. opportunities, and professional officer developmental education. Additionally, JAX administers the JAG Corps' annual recognition programs and non-JAG Corps awards from the American Bar Association and other professional organizations.

In the summer of 2007, JAX established the Expeditionary Branch to manage all judge advocate and paralegal deployment taskings worldwide. This new branch gives JAX the ability to deconflict deployment taskings with officer assignment actions. To appreciate the importance

of this capability, consider that during the three air and space expeditionary force rotations in 2007 the JAG Corps deployed 286 judge advocates and paralegals to more than 40 locations across the globe. In addition to deconflicting and managing deployments, JAX revised existing operational readiness memoranda. The revised guidance clarifies our readiness reporting requirements and enhances our ability to identify and quantify our deployable judge advocates and paralegals.

Recognizing that the future of the JAG Corps hinges on its ability to attract high-quality attorneys, JAX continued to pursue an aggressive recruiting campaign yielding nearly 700 applications for 120 available positions. The campaign also produced a record number of summer internship applications—276 applications for only 50 positions. This number represented a 39 percent increase over the previous year. In addition, JAX developed and fielded a new recruiting brochure highlighting the many opportunities afforded by the Corps, realigned law school recruiting responsibilities among the bases to achieve a more equitable workload, and developed an innovative training program for new JAG Corps recruiters.

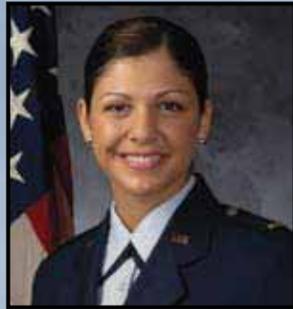
*Up until 1958, the assignment and management of all JAG officers was handled by TJAG's Executive Office. In 1958, a special separate office, manned by a captain and me, was created to make JAG officer assignments. Over the years, this office expanded considerably, both in responsibility and the number of personnel assigned to it. Eventually, the office became the Career Management and Plans Division, or what is now the Professional Development Division.*

– CMSgt Wallace E. Johnson, USAF (Ret.)

# SPOTLIGHT ON... BASE LEGAL OFFICE INTERNS

In 2007, the 11th Wing legal office at Bolling Air Force Base, Washington D.C., hosted a dynamic group of three interns during their summer breaks from law school.

**Second Lieutenant Rebecca Magnone** is a third-year law student at The Catholic University of America, Washington D.C., and she is participating in the Educational Delay Program following her graduation and Air Force ROTC commission from Boston College.



Lt Magnone hit the ground running at Bolling. On her second day in the office, she co-authored a bullet background paper (BBP) on D.C. landlord-tenant law for the Deputy Judge Advocate General (DJAG). By DJAG's reports, this BBP was later routinely used to advise general officers about their tenant rights in newly privatized base housing. She also played a pivotal role in a wing mobility exercise by updating and presenting law of armed conflict briefings to 200 Airmen. In an officer fraternization case, she helped conduct 25 witness interviews and laid the groundwork to draft charges and implement a media plan.

**Captain Yvette Wood** is attending Georgetown University Law Center under the Funded Legal Education Program (FLEP). She was commissioned through ROTC and served in manpower before her selection for FLEP.



During her internship at Bolling, Capt Wood was approved to go on temporary duty to Lackland Air Force Base, Texas, where she assisted government counsel in a contentious equal opportunity discrimination case. Her efforts resulted in a slam-dunk victory that saved the Air Force more than \$300,000. Capt Wood personally investigated an officer bribery case, garnering

sufficient evidence for the commander to issue the officer nonjudicial punishment, and she personally briefed the 11th Wing Commander on the propriety of a commander-directed mental health evaluation of a senior officer. Capt Wood initiated an office Pentagon tour with The Judge Advocate General (TJAG), and she provided invaluable protocol oversight during the office's Article 6 inspection by DJAG.

**Ms. Kate Bendick** participated in the JAG Corps summer internship program, while working toward her Juris Doctorate from The Catholic University of America in Washington, D.C.



Ms. Bendick rotated through the general law and military justice sections of the office. She also worked with the area defense counsel and the JAG Corps' Office of Professional Responsibility.

In general law, she researched and authored opinions and background papers across the spectrum of Air Force legal practice on topics including: housing privatization, torts, ethics, joint basing, support agreements, and employment law. She also crafted responses to congressional inquiries and coordinated a commander-directed mental health evaluation. In military justice, she developed timelines and proof-analyses in numerous high-profile cases to facilitate advice to command on appropriate discipline, and she updated a local court-martial member selection operating instruction. Even after Ms. Bendick's internship ended, she completed a family support volunteer form and worked for a full week to see the office's Article 6 inspection to fruition.

"Becca, Yvette, and Kate came to our office from three different internship programs offered by the JAG Corps," noted Lieutenant Colonel Dawn Zoldi, Staff Judge Advocate, 11th Wing. "All three became deeply involved in every facet of Air Force legal practice, and each contributed tremendously while they were here. All three truly lived the JAG Corps vision."

# JAY

The Office of the Senior Paralegal Manager (HQAF/JAY or JAY) is the primary advisor to The Judge Advocate General (TJAG) on all JAG Corps enlisted matters and also serves as the career field manager for paralegals. The Senior Paralegal Manager accompanies TJAG to legal offices around the world for visits under Article 6, Uniform Code of Military Justice, and exercises management responsibility and establishes policy and training requirements for 900 active duty and 400 Air Reserve Component paralegals. Additionally, JAY organizes training and manning levels for paralegals, works with and advises various agencies on programs affecting paralegals worldwide, and coordinates with sister-service paralegal training managers on inter-service training for professional continuing education programs. JAY also serves as the program coordinator for the Annual Worldwide Senior Paralegal and Executive Workshop, TJAG enlisted awards, and other recognition programs.

## 12TH SENIOR PARALEGAL MANAGER SELECTED

Following Chief Master Sergeant Avis Dillard-Bullock's retirement in December after a distinguished 28-year career, Chief Master Sergeant A. Debbie Stocks assumed the duties of Senior Paralegal Manager and Paralegal Career Field Manager. Chief Stocks became the 12th senior



**CMSGT  
AVIS R. DILLARD-BULLOCK  
SENIOR PARALEGAL  
MANAGER TO THE JUDGE  
ADVOCATE GENERAL**

paralegal advisor to TJAG since the position was created in 1970.



## UTILIZATION AND TRAINING WORKSHOP— CAREER FIELD EDUCATION AND TRAINING PLAN REWRITE

Significant changes in the delivery of legal services under JAG Corps 21 required a major restructuring and rewrite of the paralegal career field education and training plan (CFETP) and the curriculum taught during the apprentice and craftsman courses at The Judge Advocate General's School. In December 2007, Chief Dillard-

Bullock hosted the Utilization and Training Workshop (U&TW) at Bolling Air Force Base, Washington D.C.

## TRAINING DATABASE

In conjunction with the U&TW, JAY began building the framework for a full-spectrum interactive database for on-the-job and upgrade training under the CFETP. This database will provide trainers with tools for their training programs and consistency of information delivered during training. For each task in the CFETP, the database will include task breakdown, bullet background information, sample documents, and statutory or regulatory guidance. It will also be a resource to refresh skills of those paralegals rotating to other functional areas.

## CHIEF MASTER SERGEANT SHORTAGE DRIVES INCREASED PROMOTION OPPORTUNITY

As paralegal retirements have increased, vacant chief master sergeant authorizations have outpaced promotions. For the past three years, vacancies have existed among the 18 chief master sergeant authorizations in the JAG Corps, and JAY has advocated for increased promotion opportunities to chief master sergeant in each promotion cycle. In 2007, the Air Force personnel community recognized the JAG Corps' need and recommended a promotion opportunity increase for paralegals. In November 2007,

*Today, paralegals are essential members of the Air Force legal office team. From assisting with the research of labor law and military justice issues to preparing administrative discharge packages, line of duty reviews, and pretrial witness statements (and, at the same time, managing our legal offices), today's Air Force paralegals can do it all.*

– Maj Gen Richard D. Roth, USAFR (Ret.)

four senior master sergeants were selected for promotion to the rank of chief master sergeant.

### **ARMED FORCES CHAPTER OF THE NATIONAL FEDERATION OF PARALEGAL ASSOCIATIONS**

Working closely with the senior paralegals from the other military services, Chief Dillard-Bullock

campaigns for an Armed Forces Chapter of the National Federation of Paralegal Associations (NFPA). Founded in 1974, the organization fosters communication among paralegals and strives to promote the paralegal profession and individual development. NFPA members work together toward one common goal—enhancing and expanding the role paralegals play in the delivery of legal services. As the role of the Air

Force paralegal continues to expand, their interaction with civilian paralegals will enhance their utilization within the JAG Corps. Joining the Armed Forces Chapter of the NFPA provides military paralegals with greater access to certification programs, educational seminars, regional workshops, and networking with outside agencies to provide top-notch assistance to our Air Force clients.

## JAZ

The Plans and Programs Division, (HQ AF/JAZ or JAZ) is staffed by three attorneys. JAZ manages budgeting, planning, programming, and resources for the Office of The Judge Advocate General (TJAG) and the Air Force Legal Operations Agency (AFLOA).

JAZ is TJAG's representative to the Air Force Group and Board, which develop the \$672 billion Air Force Future Years Defense Program. JAZ also represents TJAG in the Headquarters Air Force Program Budget Review Group and Board to direct Air Force budgeting and execution. For HQ USAF/JA and AFLOA, JAZ develops inputs for the Air Force program objective memoranda



**MR. DAVID E. SPROWLS  
DIVISION CHIEF**

process and annual execution plan, and manages a \$43 million budget for annual operations and maintenance. In 2007, this budget included nearly \$8 million in transformation funds to

accelerate implementation of JAG Corps 21. Finally, JAZ manages more than 3000 JAG Corps manpower positions worldwide, coordinating all additions, transfers and reductions of JAG Corps manpower authorizations.

Significant JAZ projects during 2007 include:

### **JAG CORPS RESOURCES**

JAZ led an Air Force-wide analysis of personnel claim and tort claim payments, culminating in the transfer of major command (MAJCOM) claims budgets and programs to the Air Force Claims Service Center (AFCSC). This funding enabled the AFCSC to pay claims for the entire Air Force. JAZ also made major technology

## THE OFFICE OF THE JUDGE ADVOCATE GENERAL

purchases in support of JAG Corps 21, including video-teleconference units, which were distributed to all Air Force courtrooms, wireless communications for the Air Force judiciary, and development of web-based claims and military justice systems. JAZ orchestrated site, speaker, and support contracts for the 2007 KEYSTONE Leadership Summit, negotiated the agreement for the site of KEYSTONE 2008, and arranged an innovative use of a conference planning service at no additional cost to the government or to attendees.

### JAG CORPS 21 MANPOWER

The division created manning documents to move 122 positions to AFLOA in order to stand up the Tort Claims, Environmental Law, Contract Litigation, and Labor Law Field Support Centers and to implement JAG Corps 21 changes within the Air Force judiciary and at The Judge Advocate General's School. It secured approval from the Chief of Staff and the Secretary of the

Air Force to locate the Labor Law, Contract Litigation, and Tort Claims Field Support Centers in the National Capital Region. Additionally, JAZ transferred 150 positions within AF/JA and AFLOA, primarily to stand up the Field Support Centers and complete the reorganization of the judiciary. It coordinated inter-MAJCOM civilian pay transfers corresponding to all manpower transfers. As a cost-saving initiative, JAZ arranged to convert contract funds into new civilian authorizations, allowing AFLOA to perform much of its future software development internally. In support of AFLOA's new Medical Cost Reimbursement Program, JAZ arranged to translate funding received from the Air Force Surgeon General and the TRICARE Management Agency into additional AFLOA civilian positions.

### JOINT BASING

JAZ served as the Air Staff functional lead on joint basing, drafting Office of the Secretary of

Defense-level guidance for legal support at joint bases, planning and directing tabletop exercises of the legal support function at six future joint bases, participating in command and control exercises at two locations, and coordinating with sister service legal representatives to develop policy regarding command authorities of supporting and supported service commanders.

### PERSONNEL INITIATIVES

JAZ led the AF/JA and AFLOA transition to the National Security Personnel System, helping supervisors and employees write objectives and appraisals, setting up pay pool business rules, and conducting a mock pay pool exercise. It also drafted detailed requirements for an automated system to manage professional fee reimbursement for Air Force civilian attorneys. As the pay pool manager, the Chief of JAZ supervised the deliberations of the pay pool panel and recommended distributions of the shares to the performance review authority.

### What aspects of leadership have not changed from the time you served?

*Integrity and courage.*

– Brig Gen Edward F. Rodriguez, Jr., USAFR (Ret.)

*Absolute honesty to superiors and subordinates and unwavering loyalty to your boss.*

– Col Everett G. Hopson, USAF (Ret.)

*Vision. A leader has to know where he or she is going or you cannot have good followers.*

– Col N. Steven Linder, USAF (Ret.)

*Today there is greater emphasis that our NCOs need good leadership skills. But the basic concerns for our people and training responsibilities have always been and will continue to be important.*

– CMSgt Gerald E. McAteer, USAF (Ret.)

# FIELD OPERATING AGENCIES

*Our challenge today and in the future will be to structure ourselves to provide the most effective and efficient organization and training to deliver legal services in operational environments we may not have the foresight to predict. This means that we will have to be organizationally agile, mission oriented, broadly trained, technologically advanced, and properly staffed to meet a wide spectrum of legal issues wherever U.S. forces are stationed, deployed, or employed.*

– Maj Gen William A. Moorman, USAF (Ret.)

## AIR FORCE LEGAL OPERATIONS AGENCY



**BRIG GEN  
RICHARD C. HARDING  
COMMANDER**

The Air Force Legal Operations Agency (AFLOA) is commanded by Brigadier General Richard C. Harding. The AFLOA Commander is the only commander billet in the JAG Corps. The command includes all area defense counsel, Senior Defense Counsel, Senior Trial Counsel, and appellate defense and government counsel in the Air Force, as well as all Air Force civil



litigators defending the Air Force against law suits seeking monetary and other remedies in the areas of contracts, environmental, labor, and tort litigation. The command includes numerous Field Support Centers (FSCs), including the Tort Claims FSC, the Environmental Law FSC, the Labor Law FSC, the Commercial Litigation FSC, the Contract Law FSC, the Utility Litigation Team, and the Air Force Claims Service Center (AFCSC). The command also includes The Judge Advocate General's School (AFJAGS) and the Information



**CMSGT  
BEVERLY A. MILLER  
COMMAND PARALEGAL  
MANAGER**

Systems Directorate (AFLOA/JAS or JAS), which provides information technology (IT) services to Air Force legal offices worldwide and provides Federal Legal Information Technology through Electronics (FLITE) services to legal offices throughout the Department of Defense. The command has offices around the

## FIELD OPERATING AGENCIES

globe and consists of 460 military and civilian attorneys and 295 military and civilian paralegals and support personnel.

During 2007, AFLOA evolved as implementation of JAG Corps 21 initiatives progressed. AFLOA now provides more reachback expertise to installation, numbered air force, and major command legal offices, than at any time in its history.

In the Civil Law and Litigation Directorate, the Commercial Litigation FSC, the Labor Law FSC, and the Tort Claims FSC were each activated in 2007, and manning and budgeting challenges were resolved to ensure that AFLOA will stand up the Environmental Law FSC and the Contract Law FSC in 2008. Under another JAG Corps 21 initiative, AFLOA provides major commands with trained legal advisors for aircraft and ground accident investigations (AIBs and GAIBs). As a result, many of the JAG Corps' AIB and GAIB legal advisors already possess twice the amount of experience than the average AIB and GAIB legal advisors did in the past. AFLOA also entered into a partnership with the Tricare Management Agency and the Air Force Surgeon General to fund and stand up regional Medical Cost Reimbursement Program (MCRP) offices to file claims for restitution of medical expenses paid in cases where there is recoverable third-party liability. This program will return millions of health care dollars back to the Air Force. AFLOA plans to open eight regional MCRP offices in 2008 at Eglin Air Force Base, Florida;

Lackland Air Force Base, Texas; Travis Air Force Base, California; Wright-Patterson Air Force Base, Ohio; Andrews Air Force Base, Maryland; Offutt Air Force Base, Nebraska; Langley Air Force Base, Virginia; and Nellis Air Force Base, Nevada. Additionally, the AFCSC achieved worldwide, 24-hour operations in 2007 and held a ribbon-cutting ceremony hosted by the Secretary of the Air Force at its new facility in Kettering, Ohio. The AFCSC reached these milestones while simultaneously driving claims processing times down and providing claims payments in days vice the many weeks it took before. With its motto, "Fast, Friendly, Fair," the AFCSC is a stellar example of Air Force Smart Operations 21.

In 2007, AFLOA's Judiciary Directorate (AFLOA/JAJ) selected and trained the first Senior Trial Counsel (STC) and Senior Defense Counsel (SDC), replacing the long-standing circuit counsel programs. After decommissioning the geographical circuit structure in 2006, AFLOA replaced circuit defense counsel and chief circuit defense counsel, who supervised area defense counsel (ADC) assigned to most installations around the world, with the SDC program. The SDC program provides enhanced ADC supervision and support and maintains a high advocacy skill level among defense counsel. Additionally, as part of JAG Corps 21, the Judiciary Directorate uses "instructor/litigators" as STCs and SDCs. These instructor/litigators (three trial and three defense) are based at The Judge Advocate General's School and rotate

between instructor duty and litigation duty. Their presence at the School will improve advocacy training for the JAG Corps.

In addition to welcoming more faculty members and staff, AFJAGS, a directorate under AFLOA as a result of a recent JAG Corps 21 initiative, formed the Education and Information FSC. The School worked with each of the other new AFLOA FSCs to develop action-officer handbooks used by base-level JAGs to guide interaction with the FSCs. The School also created over 75 division chief distance education (DE) modules this past year. The School conducts monthly webcasts covering legal assistance, military justice, and operations law topics, and now offers continuing legal education credit to JAGs and civilian attorneys who attend DE webcasts.

Finally, JAS, based at Maxwell Air Force Base, Alabama, continued to provide outstanding IT support throughout the entire JAG Corps. JAS hosted a first-ever Corps-wide IT stand down in 2007 to improve IT skills among JAG Corps members. The IT stand down received praise from Corps attorneys, paralegals, and support staff. In another "first," JAS adopted a systems engineering process for determining priorities for new software coding requests. The Corps' IT priorities list may now be viewed by all JAG Corps members from the JAS FLITE website, providing real-time feedback to requestors on the status of their projects and improving the process by which programming resources are apportioned.

AFLOA began an exciting transformation in 2007, a process that will continue in the years ahead with effects reaching across

the JAG Corps. As JAG Corps 21 initiatives shape how AFLOA conducts its legal operations, the future holds more promising

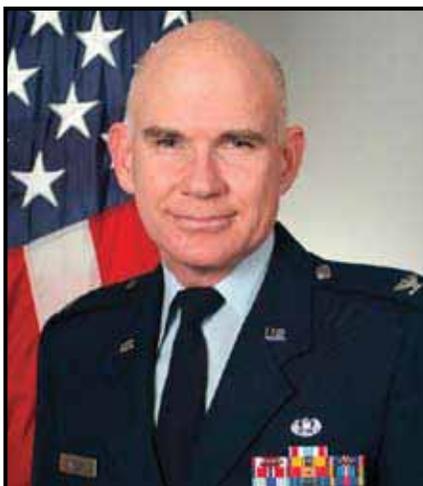
developments to continue enhancement of legal support at all levels of the Air Force.

## THE JUDGE ADVOCATE GENERAL'S SCHOOL

This has been an incredible year for The Judge Advocate General's School (AFJAGS). As the Education and Information Field Support Center (FSC), AFJAGS works hard to perform one of the key roles described by the Secretary of the Air Force at KEYSTONE 2006: to be the hub of all JAG Corps 21 efforts. AFJAGS' highlights from 2007 include:

### MANNING

The faculty and staff continue to grow, and manning increased from 33 to 44 people in 2007. AFJAGS is scheduled to increase to 65 people by the summer of 2008. Part of the increased manning includes new instructor/litigator positions, with three Senior Defense Counsel and three Senior Trial Counsel now part of the faculty. These officers spend two-thirds of their time teaching and one-third of their time litigating courts-martial. AFJAGS also added a statutory Air Reserve Component faculty member in fall 2007. By next summer, AFJAGS will have subject-matter experts acting as liaisons between the School and the FSCs dealing with labor law, environmental law, and contract law. Finally, several new civilian positions will soon be added, including an academic director, a



**COL DAVID C. WESLEY**  
COMMANDANT

distance education (DE) program manager, and a visual design specialist.

### LEGAL ASSISTANCE

AFJAGS continues to oversee the worldwide Air Force legal assistance mission. In addition to coordinating with DOD and the other services on numerous legal assistance and consumer law issues affecting the military, the School also recently hosted the American Bar Association (ABA) Legal Assistance for Military Personnel (LAMP) meeting. ABA leaders and legal assistance representatives of the other services were impressed with the quality of the AFJAGS facility and faculty.

### JAG CORPS 21 COURSES

In order to facilitate JAG Corps 21 implementation, seven new courses were added to the AFJAGS curriculum this year: a Senior Defense Counsel Course, an Area Defense Counsel Orientation Course (offered twice per year), a Defense Paralegal Orientation Course (offered twice per year), a Legal and Administrative Investigations Course, a Continental U.S. Trial Advocacy Course, a Pacific Trial Advocacy Course, and a European Trial Advocacy Course.

### FSC ACTION-OFFICER HANDBOOKS

To assist field legal offices, AFJAGS faculty worked with each of the new FSCs to develop action-officer handbooks. These new handbooks were designed to help base-level JAGs interact with the staffs at each of the FSCs in the most efficient and effective manner.

### DISTANCE EDUCATION

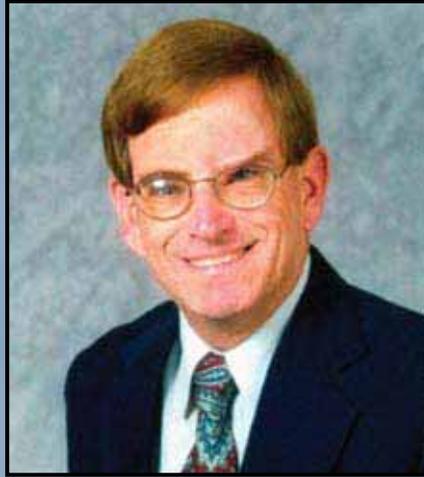
AFJAGS created over 75 DE modules this past year. The thrust behind DE was the division chief courses, which were designed to train base-level JAGs on leading a section of a base legal office. As a hypothetical example, if Capt Jones moves from being the chief

# SPOTLIGHT ON... THE CLE COORDINATOR

When it comes to continuing legal education (CLE) in the JAG Corps, Mr. Graham E. (Steve) Stevens is every attorney's best ally. While his office (and Georgia Bulldog shrine) is located at the JAG School, Mr. Stevens works with units and attorneys across the globe to ensure every Air Force attorney is able to take advantage of CLE opportunities, regardless of their geographic assignment.

Mr. Stevens served as a paralegal in the JAG Corps for more than 26 years following his graduation from the Naval Justice School in January 1969. Upon his retirement from active duty, he continued to serve the JAG Corps, first as a legal clerk, and then in his present position as the JAG School's CLE coordinator.

As the JAG Corps has developed and evolved, so has Mr. Stevens' challenge in managing the Corps' CLE programs. Most recently, with the advent of distance education initiatives including webcasts and video teleconferences, Mr. Stevens coordinated with every



**MR. STEVE E. STEVENS**  
AFLOA/AFJAGS  
MAXWELL AFB, AL

jurisdiction where Air Force attorneys are licensed to approve CLE credit for attorneys who participate. "Many jurisdictions don't necessarily realize how attorneys learn and practice in the Air Force," Mr. Stevens says. "My job is to help each jurisdiction understand and appreciate the quality of training Air Force attorneys receive. Then I can make sure our attorneys receive appropriate CLE credit for what they are doing."

Members of the JAG Corps may not be so familiar with Mr.

Stevens' other work at the JAG School. He serves as the Managing Editor for *The Air Force Law Review*, and he coordinates on innumerable other efforts of the School's Administrative Division. Mr. Jim Whitaker, Chief, Administration Division, at AFJAGS puts it best. "Steve provides invaluable mentorship to JAGs, paralegals, and his fellow civilian employees. He is truly the consummate civil servant epitomizing the meaning of service before self."

of military justice to become the chief of labor law, TJAG directed she must be given duty time to complete all of the chief of labor law DE modules before she assumes her new responsibilities.

## **MORE DE: WEBCASTS**

AFJAGS created monthly live training webcasts on timely topics in legal assistance, deployments, and military justice. Up to fifty offices can simultaneously participate in each webcast, and the monthly offerings have become increasingly popular. Through individual

coordination with continuing legal education (CLE) authorities from each licensing jurisdiction, the School is now able to offer CLE credit to attorneys participating in live webcasts. Corps members who miss a live broadcast can download webcast presentations from the School's website for viewing at a later time.

## **PUBLICATIONS**

In addition to the biannual editions of *The Air Force Law Review* and the yearly *Military Commander and the Law* update, AFJAGS

produces four editions of *The Reporter* per year, including this Year in Review edition. Members of the faculty are also assisting in development of a second joint edition of *The Army Lawyer*.

## **RESPONSIVENESS**

One of the most important benefits of transferring the School into AFLOA was the responsiveness it gave the Corps when new training needs materialize. The School was asked to put on a Joint Task Force (JTF) 134 Course at Fort Dix this past year to train

all of the JAGs going to serve in this JTF in Iraq. Within five weeks of receiving the request, AFJAGS faculty conducted the first tailored JTF 134 course at Fort Dix, which continues today.

The School was also asked to help develop and host the Air Force Symposium 2008: Cyberspace.

It is a great time to be at AFJAGS! The School works

hard to stay current and relevant to the needs of JAG Corps attorneys and paralegals in the field, and they look forward to continued feedback on courses and initiatives.

*When I entered active duty in 1955, all training was local. If you were assigned to a base with a high court-martial rate, you would most likely receive on-the-job training in military justice. An office with a large claims load would result in training in claims. There was little cross pollination. This early experience with a lack of training formed the basis for my career-long interest in education and training.*

– Maj Gen Robert W. Norris, USAF (Ret.)

*During my career, we had no formalized training courses for our paralegals. A limited number of spaces were authorized for Air Force paralegals to attend the Naval Justice School in Newport, Rhode Island, but there were never sufficient spaces or opportunities for many of us to participate.*

– CMSgt Wallace E. Johnson, USAF (Ret.)

## JAC

The Civil Law and Litigation Directorate (AFLOA/JAC or JAC) administers all civil litigation involving the Air Force in federal district courts, the U.S. Court of Federal Claims, federal appellate courts, and the Supreme Court, as well as before local, state, and federal administrative bodies. JAC also oversees the Air Force Claims Program. The directorate is led by Colonel James Sinwell, who replaced Colonel Gregory Girard in July 2007. Col Sinwell supervises over 300 judge advocates, civilian and reserve attorneys, paralegals, and administrative personnel at 12 locations across the United States.

JAC includes four divisions: General Litigation (JACL), Claims and Tort Litigation (JACC), Environmental Law



**COL JAMES C. SINWELL**  
DIRECTOR

and Litigation (JACE), and Commercial Litigation Divisions (JACQ), and the Utility Litigation Team and the newly implemented Air Force Claims Service Center.

### CLAIMS AND TORT LITIGATION DIVISION

JACC supports the Tort Claims Field Support Center (TCFSC) in Rosslyn, Virginia, and the Air Force Claims Service Center (AFCSC) in Kettering, Ohio. The TCFSC resolves non-environmental common law tort claims and defends litigation arising from Air Force activities. The TCFSC also oversees Air Force accident investigations, providing a cadre of trained and experienced legal advisors to serve on accident investigation boards (AIBs) and ground accident investigation boards (GAIBs) Air Force-wide. The AFCSC processes all personnel claims throughout the Air Force and also serves as the payment center for non-contract and non-environmental claim

## FIELD OPERATING AGENCIES

settlements paid with Air Force funds. Other branches within the division not affiliated with the FSCs oversee efforts to recoup funds owed the United States through the Air Force's carrier recovery and pro-government tort programs and the new Medical Cost Reimbursement Program (MCRP).

### **Tort Claims Field Support Center**

The year 2007 saw implementation of the TCFSC's mission of applying specialized knowledge and legal services to the settlement and litigation of tort claims against the Air Force and providing trained legal advisors for the investigation of aircraft and ground accidents. While the center assembles files, conducts research, writes memorandums, negotiates settlements, and arranges payments, it relies on personnel at the base level to gather and forward the initial claims paperwork and conduct local investigations. The TCFSC will continue to take the lead in Federal Tort Claims Act cases, serving as the Air Force liaison with the Department of Justice; however, as in the past, base-level personnel will be called upon to ensure complete and thorough responses to discovery requests and provide litigators needed information from local sources.

The TCFSC also supplies the legal advisors for AIBs and GAIBs Air Force-wide, but JAG Corps personnel at bases and major commands will retain their traditional support roles, making resources available to investigators and providing liaison with local units. The work of the TCFSC is divided among five branches: General Torts, International Torts, Medical Law, Aviation and Admiralty Law, and Accident Investigation Support.

### **General Torts Branch**

This branch adjudicates and provides litigation support for tort claims that do not fall within the scope of one of the other branches. The claims arise from a variety of activities, including motor vehicle accidents, security and law enforcement, premises liability, contractors and their employees, and nonappropriated fund instrumentalities. In addition to litigation support, the branch is responsible for handling substitution and removal actions for Air Force members being sued in their individual capacities and for releasing official Air Force testimony or information in third-party litigation involving Air Force interests. When the stand-up of the TCFSC is complete, the branch will adjudicate more than 1600 tort claims per year.

### **International Torts Branch**

This branch adjudicates high-value claims arising overseas and coordinates with foreign-government offices to resolve third-party claims falling under international cost-sharing agreements. The new TCFSC structure does not change the procedures for processing and adjudicating foreign and international tort claims or other tort claims filed at bases outside the United States in countries where the Air Force has single service claims responsibility. In 2007, the branch worked closely with other Air Force and DOD agencies to address two sensitive claims that arose at Manas Air Base and prompted visits to Kyrgyzstan by the Secretary of the Air Force and Secretary of Defense. The branch also provided claims guidance to Air Force legal offices abroad; offered perspective on General Accounting Office-reported claim adjudication practices in Afghanistan and Iraq; and settled tort claims originating in Japan, Canada, Qatar, and Colombia. While promoting and maintaining friendly international relations, the branch (in coordination with other DOD agencies) saved U.S. taxpayers over \$8 million.

### **Medical Law Branch**

This branch adjudicates claims and defends lawsuits alleging medical malpractice by Air

*In the early days of my career, the JAG seemed to be thought of as someone you saw when you absolutely had to. Today, most commanders think of JAGs as trusted advisors and confidantes. They are central figures to mission accomplishment. They are consulted frequently on much more than legal issues.*

– Brig Gen Olan G. Waldrop, Jr., USAF (Ret.)

Force health care providers and provides guidance throughout the Air Force on medical law policy issues and trains and supervises medical law consultants (MLCs). The branch has begun phasing in by major command the responsibility for investigating all new malpractice claims presented in the continental United States. In addition, the branch has expanded its role in the adverse privileging process, serving as legal advisors to adverse privileging board hearing committees. The branch also enjoyed the honor of having one of its staff attorneys, Major Teresa Barnes, provide medico-legal support to the Presidential Commission on Care for America's Returning Wounded Warriors.

### **Aviation and Admiralty Law Branch**

This branch handles claims and litigation arising from Air Force aviation and admiralty activities. In 2007, the branch settled ten wrongful death claims totaling more than \$60 million arising from high profile aviation mishaps. In addition, the branch worked with McGuire Air Force Base personnel to resolve numerous claims arising from a New Jersey bombing range wildfire, putting four families that had suffered total destruction of their homes into replacement housing in a mere 110 days. The branch also provides Air Force-wide policy and guidance on the AIB and GAIB processes and its members teach AIB/GAIB procedures at Board President Courses throughout the world.

### **Accident Investigation Support Branch**

This branch manages the TCFSC's mission of providing Air Force-wide AIB/GAIB support. It does so by maintaining a trained and experienced cadre of AIB/GAIB legal advisors. The branch also provides uniform guidance for preparing AIB/GAIB reports and continues to provide substantive support to accident boards through the office of the convening authority's staff judge advocate. One of the branch's first AIB reports earned praise from a major command's legal staff, who called the report the best they had seen in two and a half years. Other functions of the branch include developing and presenting JACC's in-house training activities and supervising revisions and updates to governing instructions and the Tort Claims Action-Officer Handbook.

### **Air Force Claims Service Center**

The AFCSC achieved full 24/7 worldwide operations on 1 March 2007. The Secretary of the Air Force cut the ribbon at the grand opening of the AFCSC's new facility in Kettering, Ohio, in late March, and he called the lightning fast stand-up of the AFCSC a miracle. By 30 September 2007, the AFCSC's 75 paralegals and 24 civilians had processed over 8500 personnel claims for a total of nearly \$7 million reimbursed to Airmen. The paralegals handle over 3000 phone calls every month from claimants. An agreement between the JAG Corps and the Defense Finance and Accounting Service ensured expedited payment on all adjudicated claims, and virtually

all claimants filing through the AFCSC have been paid within five days. More than half of all claimants have completed surveys about their experience filing a claim with the AFCSC, and the surveys show an overall satisfaction rating of 4.1 out of 5. As of 1 October 2007, the AFCSC handles new full replacement value claims and all the questions that come with those, having revised its website guidance in response to these new contracts. Other initiatives include a completely revised and web-based AFCIMS as well as electronic payments to claimants.

In addition to processing claims, the AFCSC trained and equipped flyaway teams to respond to natural disasters. In May 2007, one of the teams responded within 24 hours to a fire caused by a flare from an F-16 at the Warren Grove Bombing Range in New Jersey. Working with legal personnel from McGuire Air Force Base, the New Jersey Air National Guard, and JACC, the Total Force team resolved nearly 2000 claims while working in temporary claims centers established in the local communities.

### **Medical Cost Reimbursement Program**

In 2007, JACC accelerated the transformation of the hospital recovery (HR) program into the MCRP, a new program to supplant base-recovery programs with regional offices dedicated to vastly improving the recovery of medical costs on behalf of the Air Force Surgeon General (AF/SG) and TRICARE Management Activity (TMA). The old HR function is moving from wing legal offices within the United

## FIELD OPERATING AGENCIES

States to eight regional MCRP offices, each working directly with military treatment facilities and TRICARE and reporting directly to JACC. AF/SG and TMA have agreed to invest 30 percent of the MCRP proceeds back into the program, which will be used to fund claims examiners and build a self-sustaining program.

## ENVIRONMENTAL LAW AND LITIGATION DIVISION

The Environmental Law and Litigation Division preserves and protects air, land, and other resources central to the successful performance of the Air Force mission. JACE assists Air Force customers that need legislative and regulatory resolutions to environmental issues impacting the mission. The Compliance Branch ensures forward-looking review of potentially applicable requirements and monitors any enforcement actions. The Litigation Branch defends the Air Force against legal challenges that threaten mission accomplishment, ensuring that the mission remains unimpeded by environmental constraints and appropriated funds are preserved. The Airspace, Ranges, and Sustainment Branch anticipates litigation with potential to limit operations and training and helps avoid or minimize the risks of litigation wherever possible. Where litigation is unavoidable, the branch defends Air Force interests and ensures no flying time is lost as a result of a legal challenge. The Restoration Branch provides legal guidance to Air Force operators, engineers, and policymakers seeking to streamline and improve environmental cleanup procedures.

## Compliance Branch

The Compliance Branch ensures compliance with environmental laws. This is critical to minimizing potential impacts to the Air Force mission. The Air Force strives to manage its natural infrastructure in a way that complies with the law and protects natural and cultural resources, while allowing operators to perform their mission. The branch monitors enforcement actions taken by regulatory agencies against installations and ensures any attempt to exact a penalty from the Air Force is in accordance with the principles of sovereign immunity and pollution abatement laws. The branch also reviews draft Air Force Instructions that impact environmental compliance, environmental management, or natural infrastructure management to ensure the regulations are clear and consistent with the law and DOD policy and guidance. The branch advances the environmental education of DOD attorneys alongside The Judge Advocate General's School (AFJAGS). For instance, the branch worked with AFJAGS to develop the chief of environmental law distance-education course to provide practical training in environmental regulation and requirements to installation judge advocates. The branch also facilitates environmental education through the JACE website.

## Litigation and Torts Branch

The Environmental Litigation and Torts Branch defends approximately 30 cases in litigation at any given time. Recent estimates place the United States' potential liability in the cases defended at \$174 million. The branch pursues

affirmative-cost recovery (ACR) cases to return scarce remediation funds to Air Force coffers. Branch attorneys negotiate alleged liability for contamination at over 100 sites that are located outside installation boundaries seeking to avert liability estimated at \$423 million. The branch also adjudicates environmental tort claims currently worth \$95 million under the Federal Tort Claims Act. The branch supports the Compliance Branch in pursuing and defending water rights, particularly in and around our installations in western states with limited water resources. The branch currently has four active and potential water rights adjudications and two affirmative actions pursuing judicial recognition of water rights. Branch efforts help ensure installations continue to have sufficient high-priority water rights in the future.

## Airspace, Ranges, and Sustainment Branch

The Airspace, Ranges, and Sustainment Branch helps safeguard the Air Force against threats to our flying and training missions, prevent encroachment on our operations, and promote sustainable use of our installations and resources to ensure maximum future operational flexibility. The branch works with the operational community to ensure legal obligations regarding planning as well as natural and cultural resources are satisfied in a manner to avoid negative mission impact. The branch supports sustainment of operations and training by embedding an attorney part-time within the Ranges and Air Space Division of the Operations

Directorate of the Air Staff. Branch personnel helped develop the National Environmental Policy Act analysis and documentation for major operational and training actions including, the beddown of new weapons systems (e.g., the F-22A and F-35A), the realignment of missions and joint basing under Base Realignment and Closure 2005, and the stand up of the Chief of Staff's common battlefield Airman training initiative. Branch personnel also worked to stave off encroachment on Nellis Air Force Base and the Nevada Test and Training Range, and are working on options to preserve low-level flying operations over public lands that will be transferred for private development near Las Vegas, Nevada. Branch personnel are involved in sustaining operations at Vance Air Force Base, where the U.S. Department of Agriculture's Wetlands Reserve Program is considering the purchase of easements to set aside lands for wetlands restoration directly below critical Air Force training airspace. Development of these wetlands would likely attract birds, creating a significant bird aircraft strike hazard.

### **Restoration Branch**

Restoration Branch personnel are preparing for major changes in the organization of restoration services throughout the Air Force. The installations and mission support (A7) community is consolidating restoration support at the Air Force Center for Engineering and the Environment (AFCEE). JACE will co-locate the bulk of its restoration mission with AFCEE in summer 2008 to provide on-site support.

Meanwhile, JACE will work with the major commands to fill gaps that arise during the transition. Several restoration issues have necessitated increased coordination efforts with key environmental policy and program personnel. Air Force efforts to put remediation goals ahead of bureaucracy have met with resistance from regulators. Branch personnel are critical participants in the drive to facilitate changes that focus on results and performance. Consultation and concurrence among all of the military services is a major goal of branch personnel.

### **Regional Counsel**

JACE has three regional counsel offices (RCOs) located at AFCEE's regional offices in Atlanta, Dallas, and San Francisco. RCOs work with regulators and legislators in their assigned areas to ensure continued Air Force missions and operations in a clean and safe environment. Each RCO has an active liability negotiation program seeking to avoid litigation related to contamination at sites not owned and operated by the Air Force. RCOs also support the litigation branch's ACR program.

### **Environmental Law Field Support Center**

Planning continues through ongoing JAG Corps 21 initiatives for the consolidation of field environmental law support into the Environmental Law Field Support Center (ELFSC) in summer 2008. Environmental support will transition, and the ELFSC, which will include 38 personnel, and RCOs will support installation issues that

were previously addressed by environmental attorneys at the major commands. This direct reach-back approach improves consistency of advice, minimizes redundancy of effort, and provides installation attorneys additional resources for environmental law expertise.

### **GENERAL LITIGATION DIVISION**

The General Litigation Division is the Air Force's largest litigation division and handles a broad range of cases in federal courts, state courts, and various administrative forums. JACL's litigation mission is to defend the Air Force and its personnel in federal litigation and administrative proceedings worldwide in actions involving civilian and military personnel, constitutional torts, information law, and utility rates. Other responsibilities include reviewing all Freedom of Information Act (FOIA) appeals, accepting service of process on behalf of the Secretary of the Air Force in all civil cases, managing the Air Force witness program for civil litigation, advising field and higher headquarters staffs on civilian labor law issues affecting the Air Force's 143,000 civilian employees, and teaching labor law courses at AFJAGS.

JACL is composed of four branches: the newly-created Labor Law Field Support Center (LLFSC), the Military Personnel Litigation Branch, the Information Litigation Branch, and the Utility Litigation Team. It has enjoyed spectacular success in defending the Air Force and its officials in hundreds of judicial and administrative cases with billions of dollars at risk. JACL

## FIELD OPERATING AGENCIES

frequently handles high-profile cases that have DOD-wide impact.

### Labor Law Field Support Center

The LLFSC activated on 2 July 2007. At full staffing, the LLFSC will include 34 personnel at the main office in Rosslyn, Virginia, and 13 personnel at regional offices. The LLFSC expanded the JACL mission by encompassing most litigation before the Equal Employment Opportunity Commission (EEOC) and the Merit Systems Protection Board (MSPB).

In 2007, JACL closed 324 cases. The cases represented over \$27,000,000 in potential risk to the Air Force, but LLFSC attorneys closed them with only \$570,000 paid in judgments and settlements. JACL also conducted two major training events in 2007: the Federal Employment and Labor Law Course at AFJAGS in December 2007 and the introductory LLFSC Training Course at Rosslyn in August 2007. LLFSC attorneys continued to defend the Air Force in a federal class action suit in the Central District of California.

### Information Litigation Branch

The Information Litigation Branch (IL) represents Air Force interests in federal court in cases involving information litigation, taxes impermissibly assessed against the United States, and constitutional torts against Air Force officials. The branch reviews and processes all FOIA administrative appeals from Air Force and advises the Secretary of the Air Force designee on final action on these appeals. During 2007, IL branch

attorneys assembled a tiger team of attorneys from throughout the JAC directorate to clear its backlog of annual appeals. As a result, the tiger team resolved nearly 176 appeals in only a few months. IL attorneys also provide advice and guidance throughout the Air Force regarding requests for Air Force personnel to appear as witnesses concerning official matters in civil and criminal litigation and requests for the release of official Air Force information outside the FOIA. The branch is working on developing a database of frequently asked questions concerning witness requests and subpoenas to post onto FLITE to better serve our clients in the field.

### Military Personnel Litigation Branch

The Military Personnel Litigation Branch (MPLB) is authorized to represent the Air Force and DOD in litigation involving significant, consequential military personnel issues, including highly publicized cases of particular concern to the DOD, Congress, and the President. The MPLB also defends the authority of commanders to take action vital to enforcement of good order and discipline. Many of the complaints involve individual personnel actions; however, several recent cases have challenged entire programs. The MPLB is currently defending a case on appeal regarding a former reservist's claim that the military's homosexual discharge policy constitutes a substantive due process violation in light of the U.S. Supreme Court's decision in *Lawrence v. Texas*.

### Utility Litigation Team

The Utility Litigation Team (ULT) represents the Air Force and other federal agencies before state and local regulatory bodies in matters involving electric, gas, water, and sewage rates and service, and serves as the Air Force's utility law experts. The ULT serves as the federal executive "lead agent" in regions where the General Services Administration has delegated responsibility to the Air Force to represent all federal utility customers (currently 16 states) in rate-making cases. Significant cases in 2007 include a rate case in Missouri that resulted in a cost-avoidance of over \$600,000 out of the \$700,000 share for Whiteman Air Force Base originally requested by the utility. This case represents an "about-face" by a commission that had historically handed down some of the highest rates of return in the country. Another significant case resulted in the utility recovering just over one-quarter of the requested return, with a significant savings to Little Rock Air Force Base, Arkansas.

As a means of mainstreaming knowledge of utility and energy law, the ULT fielded a FLITE website in 2007. This website augments local installation support with utility and energy law and utility privatization materials to assist local installation legal offices in advising clients on utility and energy law issues.

### COMMERCIAL LITIGATION DIVISION

The name Commercial Litigation Division has been around for years, but the office symbol JACQ

# SPOTLIGHT ON... A RESERVE LABOR ATTORNEY

Major Tracy Humphrey, who works with the Department of the Navy Office of General Counsel (OGC), is a Category B reservist attached to the Labor Law Field Support Center (LLFSC). In April 2007, Lieutenant Colonel Ken Bullock at the LLFSC called Maj Humphrey with an urgent request. The good news, Lt Col Bullock told her, was that the LLFSC needed an experienced attorney for a high-profile case involving the removal of a GS-14 deputy director for conduct unbecoming and false official statements. The bad news was that the hearing would take place in less than a month and discovery was not complete. Additionally, the case involved at least eight witnesses, and no depositions had been taken.

Without hesitation, Maj Humphrey accepted the assignment, and she was on the ground for case preparation less than two weeks later. Maj Humphrey has extensive labor litigation experience, and the "short-fuse" nature of the case actually appealed to her. "I love litigation. What I don't always like is discovery and the length of time it takes to get to trial. The limited time we had to prepare witnesses and conduct discovery in this case required focus.



**MAJ TRACY HUMPHREY**  
AFLOA/JACL  
ARLINGTON, VA

There was no time for chasing extrinsic issues that were not relevant to the case."

As with any litigation, Maj Humphrey needed a theme for the government's case to achieve focus. Maj Humphrey decided to emphasize not just what the employee did that required removal, but who she was (the most senior civilian at the command) and who she did it to (subordinates under her supervision). "Once I learned all the facts, I felt strongly that the client made the correct decision to remove this employee," Maj Humphrey said. "Employees have a right to work in an environment free of harassment and intimidation." At the end of the hearing, the administrative law judge agreed and upheld the removal.

Maj Humphrey is as an acquisition attorney with Naval Facilities Engineering Command at the Washington Navy Yard in Washington, D.C., and she appreciates the opportunities the LLFSC offers her as a reservist. "I am relatively new to acquisition, but labor law is my original specialty. Working on cases like this one with the LLFSC helps me keep my labor and litigation skills sharp."

and the organization behind it were created in January 2007 by combining the Air Force Materiel Command's Contract Litigation Team (AFMCLO/JAB) at Wright-Patterson Air Force Base, Ohio, with the old Commercial Litigation Division (AFLOA/JACN) in Rosslyn, Virginia, to form the Commercial Litigation FSC. JACQ attorneys will litigate the full range of Air Force contract

cases, regardless of whether a dispute arises in a protest to the Government Accountability Office (GAO), an appeal to the Armed Services Board of Contract Appeals (ASBCA), a lawsuit in the U.S. Court of Federal Claims (COFC) or any other federal court, or an appeal to the U.S. Court of Appeals for the Federal Circuit (CAFC). The division

also represents the Air Force's interests in matters relating to intellectual property, bankruptcy and surety, housing privatization, and alternative dispute resolution.

The decision to merge JACN and JAB was part of the JAG Corps 21 transformation. By creating a single organization responsible for all commercial litigation regardless of location or forum, the Air Force

## FIELD OPERATING AGENCIES

gains the efficiencies of streamlined management. More importantly, it gains a more responsive surge capability. Thanks to the merger, JACQ's pool of litigators can shift quickly and seamlessly from preparing a response to a GAO protest to researching an ASBCA appeal to assisting with an intellectual property lawsuit. The creation of a single combined

FSC also simplified the process of obtaining advice in the field, providing one-stop shopping for field offices and other JACQ clients. In addition, the merger provides increased synergies by improving cross-feed of knowledge, experience, and information between JACQ's various branches and provides attorneys with a broader range of litigation experience.

## Commercial Litigation Field Support Center

In 2007, JACQ averaged more than 100 cases with more than \$2.5 billion at risk. Though JACQ personnel routinely worked a variety of issues, the division remains divided into seven branches. Three of those branches focus on a particular forum: federal courts, GAO bid protests, and ASBCA.

# SPOTLIGHT ON... THE UTILITY LITIGATION TEAM

The Utility Litigation Team (ULT), Tyndall Air Force Base, Florida, is a unique group of energy professionals. The combined legal/engineering team, which includes JAG Corps members Lieutenant Colonel Karen White, Major Damund Williams, and Major Frank Hollifield, along with three engineers specializing in utilities, supports the Air Force Civil Engineer Support Agency at Tyndall. The team's duties include utility rate litigation intervention, utility contract negotiation support, assistance and training for Air Force contracting, and oversight of energy-related contracting issues. The team also studies utility acquisitions to analyze whether installations receive the best available rates for utility service.

Dedicating JAG Corps resources to oversee utility programs pays big dividends for the Air Force. During Fiscal Year 2007, the ULT's efforts saved or avoided more than \$58.2 million in utility expenses. Additionally, the ULT helped the Air Force save over 257,000 million BTUs of energy over the past three years via ten utility energy savings contracts.

The ULT also spearheaded the Air Force's effort to purchase renewable energy certificates, making the Air Force the largest purchaser of green power in the federal government for the last three years. The ULT is an integral part of the new Air Force Facility Energy Center, and they



**UTILITY LITIGATION TEAM**  
TYNDALL AFB, FL

helped create the Air Force's strategic facility energy plan, which outlines efforts necessary to ensure reliable, affordable energy for all Air Force missions. Finally, the ULT was instrumental in developing a photovoltaic solar project at Nellis Air Force Base, the largest such project in the Americas, and a first for the Air Force and Department of Defense.

The ULT was recognized as the 2007 Air Force energy champions by the U.S. Department of Energy's Federal Energy Management Program. In receiving this award, members of the ULT were lauded for developing and advocating innovative practices which save energy and money and improve government efficiency.

"Working on the ULT has been one of the most challenging, and rewarding jobs of my JAG career," said Lt Col White. "Our practice is very specialized, in one regard, but it builds on my background of fiscal and contract law very well. It's rewarding to know that our efforts helped Air Force installations save millions of dollars on utility bills each year and to know that money goes back to installations to carry on our mission. I've been fortunate to be part of this team at a time when energy issues and utility costs have been an integral part of Air Force policy, and we have been able to make a daily impact on the Air Force's "bottom line." It's a great job!"

The other four branches focus on a particular area of interest: intellectual property, bankruptcy and surety, housing privatization, and the ongoing Tri-Service Standoff Attack Missile (TSSAM) program litigation.

### **Federal Courts Branch**

The Federal Courts Branch defends Air Force interests in government contract law disputes before COFC, CAFC, and other courts throughout the United States. Among the many significant cases currently in litigation is *Roxco, Ltd. v. United States*. Roxco seeks \$7.8 million for a host of claims arising from its \$18.9 million contract for the construction of family housing units at Barksdale Air Force Base, Louisiana. The Air Force is defending a variety of claims for alleged change orders, defective specifications, government delays, and improper inspection procedures. The Air Force is counterclaiming for nearly \$1 million in liquidated damages. Discovery closed in September 2007, and trial is set for June 2008.

### **GAO Bid Protests**

Two acquisition trends in 2007 fueled the incentive of bidders to file protests: the shrinking number of contract actions and the growing dollar amount and scope of performance for each action. This combination of factors means each contract award has a greater impact on an unsuccessful bidder's current and future work. In addition to encouraging protests to the GAO, this development has likely also prompted protestors—even those who are pro se, which constitute nearly one-third of the

total—to pursue their cases more aggressively, seeking relief through the courts if unsuccessful at the GAO. Another factor underlying some GAO bid protests may be the continuing impact of a few high-profile cases that have inflicted damage to the reputation of the Air Force's acquisition community in general. Finally, bid protests are increasingly generated by foreign contractors in-theater who are less familiar with the language, culture, and legal system underlying Air Force contract actions, which further complicates the challenges faced by JACQ attorneys.

### **Armed Services Board of Contract Appeals Branch**

Among the numerous significant ongoing cases in the Armed Services Board of Contract Appeals Branch is an appeal by Lockheed Martin regarding a contract to provide simulators, including all hardware and software, to train F-16C pilots. Lockheed asserts it is entitled to recover additional costs outside the scope of the contract and has claimed \$96 million. The parties are in discovery, and trial is scheduled for February 2008.

Another significant case is an appeal filed by Boeing on behalf of Lockheed known as “the Redlands case,” named for the rocket motor production and development facility in question in the case. The claim seeks \$237 million for anticipated cleanup costs and tort defense costs for groundwater contamination at the site from 1966 to 1973. This case is important not only because of the dollar amount involved,

but also because it may set a legal precedent and incentive for other contractors with similar claims to seek billions in damages from the Air Force and DOD. The parties are in discovery, and the Air Force has been successful in defending against many of Boeing's requests for privileged information. A hearing has been scheduled for July 2008.

### **Bankruptcy and Surety Branch**

The Bankruptcy and Surety Branch represents Air Force interests when an entity (whether a contractor or an individual) files for protection under federal bankruptcy laws by asserting government claims against debtors, recovering government property, protecting and asserting government contract rights, and defending adverse actions brought by the debtor or other creditors. It also protects Air Force interests in federal litigation arising from performance and payment bonds. Such litigation most often arises when an Air Force contractor defaults.

### **Intellectual Property**

The Intellectual Property Branch imparts vast expertise to field offices, other Air Force members, and organizations around the world in subject areas including patents, trademarks, copyrights, and idea protection. The branch also defends the Air Force against administrative claims alleging patent and copyright infringement and defends the Air Force in litigation resulting from such claims.

One of the biggest cases in 2007 was *Honeywell Inc. v. United States*.

# SPOTLIGHT ON... AN INTELLECTUAL PROPERTY LAW LITIGATOR

What do ABUs, CAC cards, BlackBerry® devices, and JACQ have in common? Keep reading to discover the answer...

Intellectual property (IP) law attorneys typically practice their craft with little fanfare. They handle not only traditional IP matters such as patents, trademarks, and copyrights but also newer challenges such as data rights, software licenses, proprietary information, and technology transfer. The Air Force has approximately 20 civilian attorneys working in IP, and Mr. Chun-I Chiang from AFLOA's Commercial Litigation Division (JACQ) devotes his practice entirely to IP litigation.

Mr. Chiang works with the Department of Justice in lawsuits where the Air Force has been accused of patent, trademark, or copyright infringement. He also manages contract-related lawsuits involving data rights, breach of proprietary information, and theft of trade secrets. Mr. Chiang appears primarily before the U.S. Court of Federal Claims and other federal district courts, and he participates in all aspects of litigation including drafting court papers, defending depositions of Air Force personnel, and responding to discovery requests. His practice today builds on 17 years at the Civil Division of the Department of Justice (DOJ), where he was an IP trial attorney before transferring to JACQ about four years ago.

Mr. Chiang also manages administrative claims from potential litigants seeking compensation as an alternative



**MR. CHUN-I CHIANG**  
AFLOA/JACQ  
ARLINGTON, VA

to litigation pursuant to the Defense Federal Acquisition Regulation Supplement. He investigates each claim and recommends a determination of infringement and compensation, if any. When claims involve activities of other agencies or services, his work often requires him to lead multi-agency investigations.

The disputes Mr. Chiang manages vary considerably in sophistication, potential impact on programs and users, and financial risk. One ongoing patent infringement lawsuit covers thousands of night vision compatible flat-panel

cockpit displays used in nearly 20 types of aircraft, while another case involved a single instance of unauthorized recording of a single copyrighted piece of music.

Getting back to the question at the beginning of this article, Mr. Chiang has played an important role in resolving disputes in all three programs. He worked with the DOJ to defend a combined patent and copyright lawsuit over the pixilated design of the airman battle uniform (ABU), and he has resolved three patent disputes involving different aspects of the common access cards (CACs). Last year's contentious patent infringement lawsuit involving BlackBerry® devices raised the specter of an injunction that would bar continued use of the devices. In response, the government intervened in the private-party action to preserve continued use of BlackBerry® devices by the government and its contractors, and Mr. Chiang worked with communications squadrons and contractors to identify the most efficient procedures to maintain continued use of the devices.

Honeywell filed a complaint in COFC seeking compensation for the alleged infringement of two patents related to the night vision

goggles worn by aviators and cockpit displays compatible with those goggles. In addition, the plaintiff seeks compensation for alleged use

of its inventions when the patent applications were under secrecy orders issued by the Patent and Trademark Office. The complaint

identified about 45 different types of aircraft used by all military services, about 20 of which are in the Air Force inventory. The case was tried in February and March 2007, and parties recently completed their respective submissions of post-trial briefs on the secrecy order, affirmative defenses, and damages issues.

### **Housing Privatization Branch**

Through September 2007, the Air Force has closed 27 projects at 37 installations totaling almost 33,000 privatized housing units. The Housing Privatization Branch fielded various legal issues during the year including potential conflicts of interest in providing legal assistance to tenants involved in disputes with the developer and the scope of commanders' authorities in privatized housing. Ten projects at 15 installations totaling over 12,000 privatized housing units are in acquisition and intended to be awarded in Fiscal Year 2008.

### **TSSAM Branch**

The Tri-Service Standoff Attack Missile Team works with the Department of Justice in defending this classified litigation, which was filed in December 1996. The complaint seeks costs,

lost profit, and interest. In spite of the exchange of nearly 20 million images between the parties, discovery continues.

### **Contract Law Field Support Center**

The creation of the Contract Law FSC promises to impact the entire Air Force contracting community. After over a year of study, in August 2007 the Secretary of the Air Force approved the SAF/AQC plan to regionalize installation contracting activities under a plan known as Installation Acquisition Transformation (IAT). Under the IAT, non-systems and logistics contracting activities will be consolidated into five regional centers in San Antonio, Texas; St Louis, Missouri; Colorado Springs, Colorado; Warner-Robins, Georgia; and Hampton Roads, Virginia. This consolidation will provide enhanced strategic sourcing opportunities, the ability to leverage efficiencies of scale, and will decrease redundant acquisitions. Air Force Materiel Command will be the lead major command for the IAT plan.

The establishment of regional centers and the Contract Law

FSC does not mean base-level counsel will never need to know contract law, because certain contracting functions (government purchase card management, administration of certain contracts, task orders awards, etc.) will be performed at the base level. As such, a major responsibility of the attorneys in the Contract Law FSC will be to share their expertise with the bases within their respective regions. In addition to providing reachback capability, the Contract Law FSC will also provide a "reach forward" capability by providing a deployable repository of trained and experienced JAGs for deployments requiring contracting or fiscal law expertise.

The San Antonio Regional Center will stand up in 2008 and will serve as the "pathfinder" center by operating for approximately one year before the other regional centers are implemented. The Air Force will compile and apply lessons learned from the San Antonio Regional Center prior to opening the remaining centers.

*Pay attention to detail and sweat the small stuff. I once jokingly told my commander at Nellis Air Force Base that he was a micro-manager. He pointedly replied, "The only people who use that term are those who don't have the responsibility." Similarly, you must fully understand all administrative aspects of the office. Whether it was military justice, claims, procurement, supply, or other matters, I felt it was imperative to understand the entire system and not just the general picture.*

– Brig Gen Roger A. Jones, USAF (Ret.)

# JAJ

The Judiciary Directorate (AFLOA/JAJ or JAJ) is responsible for the administration of military justice across the Air Force from initial pretrial case development to post-trial appellate review potentially ending at the U.S. Supreme Court. Additionally, JAJ furnishes military justice policy advice and guidance to The Judge Advocate General of the Air Force (TJAG) and the Secretary of the Air Force (SecAF), and develops and promotes Air Force viewpoints on military justice legislation and executive orders. JAJ is led by Colonel Morris D. Davis, who took over from Colonel Roberta Moro in October 2007. Col Davis supervises nearly 300 Total Force personnel assigned to locations around the world.

JAJ performs its varied worldwide mission through five divisions: the Appellate Defense Division (JAJA); the Trial Defense Division (JAJD); the Government Trial and Appellate Division (JAJG); the Military Justice Division (JAJM); and the Clemency, Corrections, and Officer Review Division (JAJR).

## APPELLATE DEFENSE DIVISION

The Appellate Defense Division advances the Air Force mission by promoting justice and strengthening confidence in discipline by vigorously providing the best possible defense services for military personnel. JAJA assists appellants at all stages of the appellate process, from the



**COL MORRIS D. DAVIS**  
**DIRECTOR**

submission of written briefs and oral arguments before the Air Force Court of Criminal Appeals (AFCCA), to the U.S. Court of Appeals for the Armed Forces (CAAF) and potentially to the U.S. Supreme Court.

In addition to representing appellants before the various appellate courts, detailed counsel also work closely with trial defense counsel and clients in preparation of trial strategy and development of tactics in cases tried throughout the Judiciary. Additionally, JAJA assists the Trial Defense Division in the administration of, and instruction at, the Area Defense Counsel Orientation Course and annual defense counsel conferences.

Appellate defense counsel also contribute to "Project Outreach," sponsored by CAAF and the AFCCA, by conducting oral arguments before audiences in venues such as the U.S. Air Force

Academy, the Judge Advocate Staff Officer Course, Howard University, and the American Bar Association Convention in New York. The "Project Outreach" program assists in educating military personnel and the public on the fairness and professionalism of the military justice system. There are currently 12 active duty JAGs, nine Reserve JAGs, one civilian attorney, three active duty paralegals, and one civilian paralegal assigned to assist appellants under the leadership of Colonel Nikki Hall, the JAJA Division Chief.

Appellate defense counsel training remains one of the division's highest priorities. This training includes attending military law courses, the Army's Judge Advocate General's Legal Center and School, and appellate advocacy seminars sponsored by CAAF, in addition to an in-house training program. Attorneys have also attended appellate advocacy seminars sponsored by the National Legal Aid and Defender Association, NAACP Legal Defense and Education Fund, Defense Research Institute, and Law Rose, Inc. Appellate defense counsel served as adjunct faculty members in the Advanced Trial Advocacy Course (ATAC) and Trial and Defense Advocacy Course (TDAC) at The Judge Advocate General's School (AFJAGS) at Maxwell Air Force Base, Alabama.

Significant events that occurred during the past year include processing a record number of

# SPOTLIGHT ON...

## A SENIOR DEFENSE COUNSEL

“Being a senior defense counsel (SDC) provides experienced majors and senior captains with the best of two worlds—the opportunity to litigate on a regular basis and the opportunity to supervise, mentor, and rate a manageable number of ADCs.”

In July 2007, after the judicial circuits stood down as part of the JAG Corps 21 transformation, Major Shawn Vandenberg joined seventeen other SDCs when he became the SDC for the Randolph Region. Prior to becoming an SDC, he served as “PJAG”, providing litigation support for drug cases throughout the Air Force. Maj Vandenberg had previously served as deputy chief circuit defense counsel (CCDC) and circuit defense counsel in the Central Circuit; and as a direct-fill area defense counsel (ADC) at Barksdale Air Force Base, Louisiana, participating in more than 100 courts-martial.

“When I left the circuit in December 2004, I thought my days in the courtroom were finished,” Maj Vandenberg observed. “With the creation of the SDC positions, folks like me have a unique opportunity to continue using our litigation experience, not only when mentoring more junior counsel, but in the courtroom as well.”

Each SDC directs legal defense services in one of eighteen regions, usually encompassing three or



**MAJ SHAWN VANDENBERG**  
AFLOA/JAJD  
RANDOLPH AFB, TX

four installations. In addition to representing military members in more serious cases, SDCs also mentor, supervise, and train the ADCs and defense paralegals (DPs) in their respective regions.

Prior to creating SDCs, ADCs were rarely seen by their CCDC. With the new SDC structure, ADCs receive continual input and mentoring from their SDC. ADCs aren't the only ones to benefit from this reorganization. SDCs have the opportunity to supervise multiple offices and personnel, a leadership challenge previously unavailable to those who wanted to focus on court-martial litigation.

“I enjoy being able to take what I've gleaned from my trial experiences and from phenomenal supervisors and mentors and pass that experience along to talented ADCs,” said Maj Vandenberg. “The SDC program is in its infancy and we are working through some growing pains, but the program benefits everyone. Clients benefit from having more local counsel assigned, ADCs and SDCs benefit from closer working relationships, and the Air Force benefits by having a more efficient system.”

“It is a privilege to be part of the initial team for this new concept, and I'm proud to be a part of this historic reorganization of the judiciary,” he said.

Petitions for Writ of Certiorari to the U.S. Supreme Court (nine petitions). Following are two recent and notable rulings from the appellate courts that clarified the rights of accused and contributed to the improvement of the practice of military justice at the trial level.

### ***U.S. v. Lane*, 64 M.J. 1 (C.A.A.F. 2006)**

One of the members of the Appellant's AFCCA panel was both a U.S. Senator and a JAG in the USAF Standby Reserve. Appellant's conviction and sentence

were affirmed over his objection that the Senator's appointment to the panel violated the Incompatibility Clause. As an initial matter, the court held that the service member had standing to assert the constitutional challenge because the service member raised a jurisdictional

## FIELD OPERATING AGENCIES

objection that the lower court was not properly constituted. The court held that the Senator could not serve simultaneously as a member of Congress and an appellate judge under the Incompatibility Clause. The court set aside the AFCCA decision and returned the record of trial to TJAG for a new AFCCA review.

### *U.S. v. Lovett*, 64 M.J. 232 (C.A.A.F. 2006)

After CAAF affirmed an AFCCA decision, counsel informed Appellant that his case was final, and that counsel would not petition CAAF for reconsideration. Appellant then sought mandamus relief pro se. CAAF held, pursuant to Article 71(c), UCMJ, that the case was not final as a matter of law, and that there was nothing in the record to establish a basis for counsel to sever the lawyer-client relationship. The court held that Article 70(c)(1) requires appellate defense counsel to represent appellants before military appellate courts, and the U.S. Supreme Court, when requested. CAAF ordered TJAG to provide appellate defense counsel to represent Appellant before CAAF. (The same detailed counsel filed a Petition for Writ of Certiorari to the Supreme Court on behalf of Appellant, as well.)

## TRIAL DEFENSE DIVISION

As is true of many other organizations within AFLOA, 2007 was a year of change for the Trial Defense Division. It saw the five longstanding geographic circuits, along with the traditional titles, chief circuit defense counsel (CCDC) and circuit defense counsel (CDC), become

part of JAG Corps history. In place of these institutions—the structural reformation envisioned by the JAG Corps 21 initiative—a new structure arose; namely, 18 geographic regions each led by a leader-litigator called a Senior Defense Counsel (SDC). In addition, three instructor/litigators (I/Ls) were assigned to AFJAGS.

The principal efficiencies created by this horizontally flatter construct are improved allocation of low-density, high-demand criminal defense litigation capability provided by the SDC through centralized oversight of area defense counsel (ADC) detailing and more effective distribution of senior litigator workload across all SDCs. An ancillary benefit is that the SDC position affords critical leadership opportunities to senior captains and junior majors, thereby growing future Air Force and JAG Corps senior leaders. SDCs manage legal defense services within their individually assigned regions. Each region encompasses three to six major Air Force installations. In this role, the SDC mentors, supervises, rates and trains each installation-level ADC and defense paralegal within his or her region. SDCs are also experienced litigators and are assigned to represent military members in high-priority cases, judicial or otherwise. Following the dissolution of the CCDC and CDC positions, the 18 SDCs absorbed the supervisory function of five CCDCs, though supervising fewer ADCs, and the trial defense functions of twenty CDCs. SDCs are stationed at bases throughout the United States, Japan, United Kingdom,

and Germany. Each SDC is colocated with the ADC office at his or her respective location.

Typically senior captains or junior majors, I/Ls split their time between duties as instructors at AFJAGS and serving as defense counsel in high-priority cases, as directed by the Chief, Trial Defense Division.

While JAJD's structure and several key position titles have changed, the enduring mission of the division remains the same: to provide vigorous, comprehensive, and world-class legal defense services to Air Force members. Military defense counsel assigned to JAJD are responsible for representing military members in interrogation situations; Article 32 investigations; pretrial confinement hearings; summary, special, and general courts-martial; post-trial and clemency matters; involuntary discharge, demotion, and nonjudicial punishment proceedings; flying evaluation, physical evaluation, and medical credentials boards; and other adverse personnel actions. Counsel assigned overseas act as military legal advisors in foreign criminal jurisdiction cases as well.

JAJD consists of 107 judge advocates and 74 paralegals stationed at 69 bases worldwide, including eighteen SDCs, 81 ADCs, three I/Ls, and 70 defense paralegals (DPs). SDCs, I/Ls, ADCs, and DPs are supported by an experienced headquarters staff led by Colonel Karen E. Mayberry, Chief, Trial Defense Division; three lieutenant colonel deputy chiefs; one captain deputy chief of policy and training; three master sergeant DP managers; and one master sergeant law office

# SPOTLIGHT ON...

## AN INSTRUCTOR/LITIGATOR

JAG Corps 21 spawned the advent of Senior Trial Counsel (STC) and Senior Defense Counsel (SDC), and it also sparked the creation of a new breed of litigators whose focus is on the classroom as well as the courtroom. Instructor/litigators, or I/Ls for short, spend one-third of the year as a full-time Senior Trial or Defense Counsel, and the other two-thirds as instructors in the Military Justice Division at The Judge Advocate General's School (AFJAGS).



**CAPT JEREMY MCKISSACK**  
AFLOA/JAJG  
MAXWELL AFB, AL

Captain Jeremy McKissack is part of the inaugural group of six I/Ls who assumed their new duties in summer 2007. With three STCs and three SDCs now stationed at AFJAGS, I/Ls serve as important members of the School's faculty and rotate through the "litigation bucket," a term coined to describe the four months when they become full-time litigators.

Capt McKissack was the first STC to plunge into the "bucket." "During my first rotation as a full-time STC," he noted, "my instructor duties were limited. I worked with Judge Advocate Staff Officer Course (JASOC) students on sentencing arguments for their first moot court and their

military justice exercises, and I attended meetings and AFJAGS physical training. But when I wasn't instructing, I was preparing for my next trial. I worked with local counsel to prepare cases, and then about a week before trial, I really focused my time and energy on the case. When I was on the road for a trial, I was a full-time STC."

According to Capt McKissack, serving as an I/L has real advantages. First, he can continue to litigate courts-martial, but his travel schedule is lighter than

that of other STCs. Second, he brings current trial experience back to AFJAGS, where he can pass the lessons he's learned on to the JAG Corps' newest members. "In the past, JAGs might only hear from circuit counsel at conferences," he said. "Now, AFJAGS has STCs and SDCs on the faculty. We're teaching and trying cases. Having instructors with real-time experience is a big benefit during JASOC and other courses."

Juggling two jobs can be a unique challenge, but Capt McKissack feels fortunate for the opportunity to be in the first group of I/Ls. "This is a great position for any JAG who wants to continue to litigate but also

manager. The singular aim of the JAJD headquarters staff is to ensure mission accomplishment while facilitating the professional and personal well-being of all JAJD personnel.

During 2007, military defense counsel participated in a total of 783 courts-martial, of which 230 were general courts-martial, 411 were

special courts-martial, and 142 were summary courts-martial. Military defense counsel also represented Airmen in over 7000 Article 15 actions.

Area Defense Electronic Reporting (ADER) stood up in January 2007 and is in use across the defense community. JAJD is working with JAS to enhance the capability of

the program to generate reports, allowing JAJD leadership to have real-time access to the workload of all defense counsel. The next version is expected for testing in early 2008.

### **GOVERNMENT TRIAL AND APPELLATE COUNSEL DIVISION**

The Government Trial and

## FIELD OPERATING AGENCIES

Appellate Counsel Division provides the United States with trial and appellate services, thereby promoting morale and preserving good order and discipline in the U.S. Air Force. The division is led by Colonel Roger Bruce. While emphasizing a “one team, one fight” approach between trial and appellate functions, JAJG judge advocates have distinct trial counsel (prosecutors) and appellate counsel responsibilities.

In July 2007, the JAG Corps said goodbye to the longstanding circuit trial program and introduced the Senior Trial Counsel (STC) concept. Under changes driven by JAG Corps 21, STCs moved from five bases to 12 locations around the world in order to provide strategic coverage for the prosecution of crimes anywhere in the Air Force and to more efficiently provide prosecution expertise at trial. STCs continue to prosecute the most complex cases in the Air Force. However, STCs are also available to serve as government representatives in administrative discharge boards, investigations, and other proceedings, as resources allow. Additionally, STCs provide training to base-level assistant trial counsel.

In 2007, STCs served in 153 courts-martial and 93 other proceedings.

In one notable case, two STCs successfully prosecuted a homicide case stemming from a shooting of an Air Force member in Iraq. During 2007, JAJG deployed several STCs to prosecute courts-martial in the AOR.

Appellate government counsel provide appellate advocacy to the United States, ensuring that government interests and Air Force commander prerogatives are protected during court-martial appeals. Appellate counsel also provide military justice expertise to STCs and to judge advocates in the field on trial practice and military justice administration. In their primary role, appellate government counsel research and draft legal briefs and present oral argument at the AFCCA and the CAAF, and, with the Solicitor General, before the U.S. Supreme Court.

In 2007, appellate government counsel filed 955 pleadings with the AFCCA and the CAAF, and presented oral argument in 39 cases, with 23 of those arguments presented at CAAF. At AFCCA, appellate government counsel filed 248 answers to assignments of error covering 493 issues. At CAAF, appellate government counsel filed 14 answers to supplements to petitions for grant of review, waived answer in 154 cases, and filed

final briefs in 20 cases. Counsel defended the United States on a variety of issues including search and seizure, government provision of expert consultants and witnesses to the defense, speedy trial issues, multiplicity, court member challenges, child pornography, “human lie detector” testimony, post-trial delay, search authorizations, communicating a threat, and the proper scope of trial counsel argument.

Appellate government counsel also serve a de facto role as the “solicitor general” of the Air Force, taking interlocutory appeals from the rulings of military judges in courts-martial to the AFCCA, and then on to the CAAF, as necessary. Currently, CAAF has discretion to hear such appeals from the appellant and must hear such a case if it is certified by a service TJAG. The statutory jurisdiction of CAAF to hear such cases, whether brought by an appellant or a service TJAG, has been recently challenged in Navy and Army cases before CAAF. Air Force appellate government counsel took advantage of an invitation by CAAF to file an amicus curiae brief in each case supporting CAAF’s authority to hear such cases. The case was argued before CAAF in November 2007 and a decision is expected soon.

*AFLOA/JAJG*



Additionally, advocacy training has historically been a key component of the division. In addition to serving as adjunct faculty for courses at AFJAGS, division counsel participate in other training activities, to include the first ever Senior Trial Counsel Orientation and Continental U.S. Trial Advocacy Conference, as well as publishing training materials, such as the Trial Counsel Deskbook, a monthly electronic newsletter, and periodic appellate updates.

### MILITARY JUSTICE DIVISION

The Military Justice Division, divided into eight branches, performs a myriad of functions involving field support of ongoing cases and Air Force policy. The division continues to be led by Colonel Scott Martin. Master Sergeant Julie Steele assumed the office manager position in August 2007.

The JAJM Policy and Precedent Branch is responsible for disseminating changes in military justice practice and procedures resulting from legislation, court decisions, or policy decisions. The branch promulgates and updates regulations establishing Air Force policies and procedures for the conduct of courts-martial and other proceedings. Also, the branch facilitates designation for the exercise of military justice, preparing SecAF documents and Department of the Air Force special orders designating convening authorities. The branch makes recommendations to the judiciary and TJAG for changes in military justice policy and completes staff taskings as requested.

The Joint Service Policy and Legislative Branch represents the

*The JAG must be able to give unfettered and informed legal advice to his commander and staff, and controlling that advice from the top down in a "stove pipe" organization is the antithesis of that principle. If the commanders I worked for thought for a moment that my advice was driven top-down, I wouldn't have lasted past that moment, and rightly so.*

– Maj Gen David C. Morehouse, USAF (Ret.)

Air Force on the Joint Service Committee (JSC) on Military Justice and its working groups that draft proposed legislation for changes to the UCMJ and presidential executive orders for the Manual for Courts-Martial (MCM).

Members of the Relief and Inquiries Branch answer high-level inquiries from the White House, members of Congress, and SecAF. Its action officers review applications to the Air Force Board for Correction of Military Records (BCMR) on military justice issues. After review of the records and research of the issues, the branch provides the BCMR with an evaluation, including an interpretation of the request, an opinion of the applicant's contentions, and recommendations for disposition. The branch also performs post-trial review for TJAG under Article 69(a), UCMJ, and reviews applications for relief under Article 69(b). Members also prepare memorandum opinions and actions for consideration by TJAG on Article 73, UCMJ, applications for new trial.

The Justice and Court Activities Branch monitors officer and other special interest cases, preparing a monthly consolidated report for the Chief of Staff and TJAG. It reviews officer resignations in lieu of court-martial and prepares

advisory opinions for the SecAF. Branch action officers review and process requests by civilian jurisdictions for return of overseas Air Force members, review and process request for inter-major command (MAJCOM) permanent change of station or temporary duty of accused members for courts-martial, review and process Article 15 appeals from MAJCOMs, act on special requests for Air Force counsel, and participate in the Drug Abuse Screening Coordinating Committee.

The Central Witness Funding Branch manages the web-based Air Force centralized witness funding program and furnishes fund citations and procedural instructions to legal offices across the Air Force.

The AMJAMS and Special Interest Branch oversees the Automated Military Justice Analysis and Management System (AMJAMS), which includes consolidating data, preparing statistical analysis reports, preparing the final TJAG inputs to all records of trial, and providing statistical data in response to special inquiries.

The Appellate Records Branch maintains the file repository for all court-martial records of trial. Branch members process all records of trial undergoing appellate review, distributing

## FIELD OPERATING AGENCIES

necessary copies, and preparing correspondence directing actions taken by appellate courts.

This year the Air Force, represented by JAJM, assumed Chairmanship of the Joint Service Committee on Military Justice, which recommends changes to the UCMJ and the MCM. After completing arduous interagency coordination, the 2007 Amendments to the MCM were signed into law by Presidential Executive Order in April 2007. Among others, the order included provisions for the use of technology in the courtroom for remote testimony on interlocutory questions and remote testimony of a child and implementing guidance for the new offenses of Death or Injury to an Unborn Child, Article 119a, UCMJ, and Stalking, Article 120a, UCMJ.

With a complete revision of Article 120, UCMJ, Rape, Sexual Assault, and Other Sexual Misconduct, scheduled to become law on 1 October 2007, interagency coordination was completed and the President signed a second Executive Order in September 2007, the first time two orders have been signed in the same year. The President's order amended the MCM to provide text, explanation, elements, lesser offenses, maximum punishments, and sample specifications for Article 120.

Division personnel continued to provide significant legal support to the sexual assault prevention and response initiative through Total Force training of sexual assault response coordinators and victim advocates and drafting of

the implementing policies and instructions.

## CLEMENCY, CORRECTIONS, AND OFFICER REVIEW DIVISION

The Clemency, Corrections, and Officer Review Division is responsible for reviewing court-martial cases and making independent recommendations to TJAG and SecAF on clemency for Air Force members. JAJR is headed by a senior civilian attorney, Mr. Thomas S. Markiewicz.

Following completion of the appellate process, JAJR reviews all officer and cadet cases with affirmed sentences to dismissal and makes recommendations to SecAF on whether the dismissal should be approved and ordered executed. The number of cases presented to SecAF increased by more than 50 percent in 2007. Each JAJR recommendation was followed by SecAF, including one that resulted in the substitution of an administrative discharge for a dismissal as a matter of clemency.

This year, appellate courts decided hundreds of cases involving Air Force enlisted members. JAJR culled from among those decisions and the recommendations of trial and appellate court judges and counsel cases that SecAF should consider for sentence clemency. SecAF adopted the JAJR recommendations for action in each case.

JAJR attorneys serve on two secretarial boards in the Air Force Review Boards Agency. The first is the Air Force Clemency and Parole Board which considered over 400 cases involving Air Force inmates and parolees. Decisions are made

by the board concerning whether sentences should be reduced, inmates should be released on parole, parolees should be returned to confinement for violating conditions of parole, and applicants for return to duty should be approved. The Air Force has the highest parole rate and lowest parole revocation rate of all services.

For the third consecutive year, Mr. Markiewicz chaired the Board for Correction of Military Records. He led more than 70 senior Air Force civilians in considering over a thousand cases of applicants seeking redress for errors or injustices in their military records. For the third straight year, no board decision was overturned in the appellate courts. Mr. Markiewicz briefed the operation of the board to dozens of eager KEYSTONE attendees as an elective during KEYSTONE 2007.

The President has the authority under the Constitution to pardon offenders, including those convicted by court-martial of offenses under the UCMJ. JAJR prepared about a dozen cases for the U.S. Pardon Attorney during 2007. Also, the President granted a pardon to a former enlisted member and graduate of the Return to Duty Program.

JAJR serves as counsel to security forces on corrections matters. During a busy year, staff attorneys assisted in the drafting of major revisions to both the Air Force and DOD instructions on corrections matters, facilitated the transfer of the Return to Duty Program from the Charleston Brig to a dormitory environment at Lackland Air Force Base, provided the fix to an appellate holding of illegal confinement, and

reasserted the right of the Air Force over referral of charges involving Air Force inmates in Army and Navy confinement facilities.

Finally, as Chairman of a Joint Service DOD Working Group on

Structure appointed by the Deputy Assistant Secretary for Manpower, Mr. Markiewicz authored a final report to Dr. David S. Chu, Under Secretary of Defense (Personnel and Readiness), recommending a

DOD organization lead military corrections in the 21st Century. The recommendation was adopted, and the OSD Office of Management staffing and budgeting for this new entity is underway.

# JAS

The Legal Information Services Directorate (AFLOA/JAS or JAS) is responsible for The Judge Advocate General's Corps' information technology (IT) program. The JAS mission, "to rapidly develop, field, support, and maintain information technology (IT) tools that make the JAG Corps and Department of Defense (DOD) legal professionals more efficient and more effective in their efforts to support the delivery of professional, candid, independent counsel and full-spectrum legal capabilities to command and the warfighter," inspires the directorate as the center of excellence for innovation and initiatives in the legal IT field. JAS provides a broad range of computer hardware and software products and services, to include electronic research and web hosting to Air Force and DOD legal communities and other federal agencies worldwide as the DOD



**COL  
PETER R. MARKSTEINER  
DIRECTOR**

executive agent for the provision of Federal Legal Information Through Electronics (FLITE).

The need for secure, stable, and innovative IT is greater than ever. The JAG Corps depends upon a robust, relevant, and

responsive technology program. AFLOA/JAS's goal is to provide a broad range of research and knowledge management products to Air Force and DOD legal communities. JAS pursues that goal with a constant focus on identifying ways to maximize use of evolving technologies, while at the same time structuring service delivery platforms in a way that ensures the ability to integrate new technologies with critical legacy systems. JAS is dedicated to moving toward more standardized products and processes. More uniformity among hardware and applications will:

- enable products to work interchangeably or together;
- provide assurance that products deliver a definable level of performance;
- shorten learning curves of personnel who transfer between organizations; and
- enable our users to communicate their emerging needs easily and effectively.

The success of the JAG Corps is in many ways tied to the effective use of technology. Automating and standardizing routine processes like office suspense programs,

*JAS Functional Support Division*



## FIELD OPERATING AGENCIES

document storage and retrieval, claims, legal assistance, and administrative discharges generates time and resource savings across the knowledge management domain. These savings, in turn, enhance the delivery of legal services.

JAS is an extraordinarily productive force multiplier, and its products drive many components of the JAG Corps 21 transformation. Forty highly-skilled and creative professional military and civilian personnel, working in collaborative teams, provide a cutting-edge technical capability that is unparalleled in the Air Force. This high-demand/low-density staff has an enormous job—a job that is competitive, demanding, fast-paced, and grows more complex with each passing day.

## THE JAG CORPS IT DEVELOPMENT PROCESS

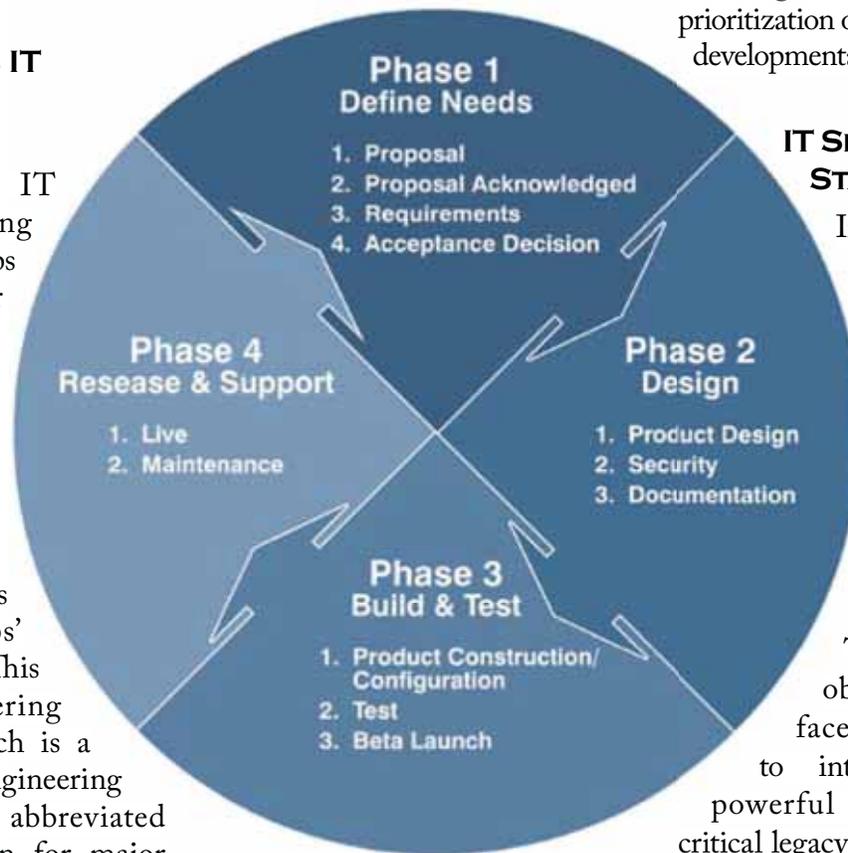
The demand for IT products is growing throughout the Corps and DOD. In order to meet demand, JAS adopted a production process that brings together in-house programmers, functional experts, support personnel, and IT contractors to meet the Corps' IT requirements. This systems engineering process (SEP), which is a familiar tool in engineering disciplines, is an abbreviated version of the plan for major system development and purchase mandated by DOD and the Air Force. The SEP consists of four



*JAS team meeting by VTC with field offices*

phases, each of which includes several steps. The process also includes the best practices of the Software Engineering Institute's (SEI) capability maturity model integration (CMMI) and the

*Phases of the Systems Engineering Process*



IEEE/EIA 12207, software life-cycle processes standards.

The JAS SEP has been tailored to meet the JAG Corps' IT development needs and maximize the impact of finite programming resources. With increased "corporate visibility" that informs customer expectations and facilitates project tracking, the process improves prioritization of efforts and shortens developmental life cycles.

## IT SECURITY AND STANDARDIZATION

In recent years, the Air Force has invested substantial resources to support the dual objectives of improving IT security and creating uniform Air Force-wide IT systems. To meet those objectives, JAS faces new challenges to integrate new and powerful technologies with critical legacy systems. Air Force's efforts relating to improving security include transition to the standard desktop configuration

(SDC), which is expected to significantly enhance Air Force network security. However, SDC has produced some issues for users, such as legacy software applications that would not initially function properly, restricted file and network sharing, and restricted Internet access.

Although improved security is an IT imperative, more IT

system security means greater challenges for both existing and future JAG Corps IT systems. JAS is meeting this challenge by migrating applications to run exclusively on the web, which eliminates software requirements for each user's desktop. Purely web-based solutions are easier to maintain and update both in terms of enhancing system

functionalities and ensuring security protocols remain robust and effective.

### JAS INITIATIVES

An enormously talented and imaginative team working systematically to achieve a variety of goals, JAS is involved in many forward-leaning initiatives. Although the organization's

## SPOTLIGHT ON... AN IT PROGRAM MANAGER

Transforming the Air Force's personnel claims program was a monumental undertaking, and one daunting aspect of the project required development of an online system for claimants to directly file their claims with the Claims Service Center. Thankfully, Mr. Bill Emery of JAS, who has long been the JAG Corps' "go-to guy" for technical claims issues, made the project look easy, as he once again demonstrated exceptional skill and leadership while serving as the project and contract manager for the new online claims program.



**MR. BILL EMERY**  
**AFLOA/JAS**  
**MAXWELL AFB, AL**

After developing contract requirements for setting up a new online claims center, a multimillion dollar enterprise, Mr. Emery set out to construct the new claims online program. He wrote over 100 pages of development and functional requirements and led the contractor through the many development and enhancement tasks necessary to make centralized claims adjudication a success. During thorough system testing over a tightly compressed timeline, he delivered over 1000 hours of testing on both functional areas and data tables, resolving numerous coding issues before claimants started using the system.

Since becoming operational, more than 10,000 claimants have submitted their claims through the new online

system. Over 6000 of these claimants provided feedback about the process, and they have rated the new system very favorably for ease of use.

Mr. Emery was also instrumental in the development of another JAG Corps 21 initiative, the TRICARE Medical Recovery Program. Following an agreement between the JAG Corps and TRICARE to redirect all TRICARE collections from the general treasury account to a new TRICARE account, Mr. Emery worked closely with claims offices to redirect over \$5.4 million

in existing recoveries to the new account. Additionally, he used existing AFCIMS database information from 107 claims offices to populate over 25,000 TRICARE recovery entries in a new AFCIMS host table that will be used to produce future TRICARE reports. By improving the medical care recovery programs, the JAG Corps will receive approximately \$1.5 to \$2 million annually from TRICARE for use towards JAG Corps 21 initiatives.

Mr. Emery has provided more than 39 years of service to the JAG Corps as a paralegal and program analyst. When not on duty, Mr. Emery enjoys golf, the company of Jane, his wife of 37 years, his three daughters and five grandchildren.

## FIELD OPERATING AGENCIES

primary duty is to maintain a robust IT capability for the Air Force JAG Corps, many of JAS's new programs directly support other military organizations as well as other federal entities, generating intraagency efficiencies that were previously unrealized in the DOD or federal government.

Brief examples of recent JAS initiatives include:

### COMPUTER-ASSISTED LEGAL RESEARCH

JAS negotiated a new Joint Air Force-Army contract with LEXIS on 1 November 2007, which is anticipated to produce a 40 percent cost savings to both services. The contract provides the Air Force and Army JAG Corps and the Secretary of the Air Force General Counsel with unlimited searching, printing, and downloading of most U.S. federal, state, local, international law, treatises, public records, Mathew Bender Series, and news databases, at a fixed price. Features include: Shepard's Citators, Brief Suite and Check Cite, telephone, computer, and live training, and seamless access through FLITE and direct web access. Additional databases under license to LEXIS are available at discounted per-search charges.

### SPIRAL 3 VIDEO TELECONFERENCE (VTC)

Ninety-nine VTC machines were purchased for the field. These VTCs will permit greater communication between base legal offices, headquarters, and major commands, and will reduce travel costs and increase the Corps' ability to train personnel around the globe.

### SOCIAL SECURITY NUMBER PRIVACY AND SECURITY

Every piece of code and every database element within JAS-managed systems is being searched and examined for unprotected social security numbers. All SSNs are being identified and confirmed as encrypted to ensure the data is protected from malicious attacks.

### IT CONTINUITY OF OPERATIONS PLAN (COOP)

Never hesitating to pioneer cutting-edge ideas and technology, JAS entered into an agreement with the Army JAGCNet to maintain a reciprocal IT Continuity of Operations Plan (COOP). Once implemented, JAS backup disaster recovery equipment will be maintained remotely by the Army JAGCNet in another location, while JAS will maintain similar backup

disaster recovery equipment for the Army JAGCNet at Maxwell Air Force Base. This plan will provide a remote IT COOP and tremendous cost savings for both the Army and Air Force JAG communities.

### DISTANCE LEARNING (IT STAND DOWN)

TJAG directed an IT stand down during which all members of the JAG Corps participated in distance learning training on JAS's numerous knowledge management tools. In support of this effort, JAS provided web- and CD-based presentations focused on management and research tools used by the JAG Corps in every office across the Air Force. The IT stand down not only provided critically-needed substantive instruction to over 4000 members of the U.S. Air Force legal team, it also demonstrated the viability of two different distance learning media that will extend the reach of our learning center of excellence for years to come.

Interactive materials: <https://aflsa.jag.af.mil/tflite/it.php>

Zipped Materials: [https://aflsa.jag.af.mil/cgi-bin/davindex\\_tflite.cgi?path=/FLITE/WebDocs/afjas\(AFLOA-JAS\)ITSD%20Zipped%20Materials](https://aflsa.jag.af.mil/cgi-bin/davindex_tflite.cgi?path=/FLITE/WebDocs/afjas(AFLOA-JAS)ITSD%20Zipped%20Materials)

*A telephone, yellow pad, electric typewriter, copy machine, and dictaphone were the sole "IT" tools when I became a JAG in 1981. When I was at Third Air Force at RAF Mildenhall, my staff judge advocate put me in charge of computer and automation issues for the office as we anticipated the arrival of the first PCs and software products in the JAG Department. I learned how to use them and then taught the rest of the office. There was no Air Force training during the early deployments of hardware and software programs, so I signed up for a lunchtime course on computers offered through the education center.*

– Brig Gen Jarisse J. Sanborn, USAF (Ret.)

## OTHER FIELD OPERATING AGENCIES

In addition to AFLOA, JAG Corps personnel are currently assigned to and provide legal services to the following field operating agencies, three of which are profiled here: Air Force Center for Environmental Excellence; Air Force Communications Agency; Air Force Inspection Agency; Air Force Office of Special Investigations; Air Force Intelligence, Surveillance, and Reconnaissance Agency; Air Force Personnel Center; Air Force Safety Center; and Air Force Services Agency.

### HEADQUARTERS, AIR FORCE OFFICE OF SPECIAL INVESTIGATIONS

Andrews AFB, MD

The Office of the Staff Judge Advocate, Headquarters Air Force Office of Special Investigations (HQ AFOSI/JA) provides full spectrum legal advice to 3200 military and civilian agents and support personnel at 200 AFOSI units worldwide. The office advises on subjects ranging from criminal investigations and the impact of privacy and public record laws on investigations and reports to counterterrorism and counterintelligence (CI). In addition to more than 300 formal legal reviews rendered per year, the office provides counsel to agents and detachments on hundreds of issues and questions each month and fosters relationships between field agents and their servicing legal offices.

AFOSI is the sole Air Force agency authorized to conduct CI operations. Supporting the Global War on Terror, AFOSI/JA advises on finding, capturing, and eliminating insurgents and terrorists in Iraq and Afghanistan. In 2007, the office reviewed 120 CI operations, which led to the



capture of 475 insurgents and the destruction of twenty tons of weapons. Recognized throughout DOD for their cyber law expertise, AFOSI/JA advised on over 150 requests to conduct wire taps, computer trace and traps, telephone use logs, and other similar requests for both garden variety criminal investigations and CI operations.

The office also advised on a myriad of military justice and criminal law issues, particularly in search and seizure, investigative technique and discovery. AFOSI/JA specializes in analyzing conflicts between safeguarding law enforcement trade craft and due process considerations, and they work with agents and base-

level judge advocates on discovery issues relating to confidential sources, derogatory data on agents who will testify, and access to contraband evidence such as child pornography.

AFOSI/JA reviews every public request for information contained in AFOSI investigative files or for agency operating instructions. They conducted over 1000 Freedom of Information Act and Privacy Act legal reviews this year. In addition, the office provided guidance for ethics, contracting, civilian personnel, and fiscal issues common to Air Force legal offices.

In 2007, AFOSI/JA faced a host of operational and personnel law questions related to deployments of AFOSI personnel, such as law of armed conflict, status of civilian agents in the war zone, arming and wear of uniforms by civilians, and wear of civilian clothes by military members. The office led the charge against a body armor contractor who defrauded the Air Force, safeguarding \$3 million in AFOSI funds and, more importantly, ensuring that deployers were not outfitted with defective armor.

# SPOTLIGHT ON... AN AFOSI ATTORNEY

Advising operators at the tip of the actual and virtual spear describes the job of Major Rich Ladue, Chief, National Security, Operations, and Computer Crime, Headquarters, Air Force Office of Special Investigations (AFOSI). After completing his LL.M. in May 2006, Maj Ladue joined the AFOSI team, dedicated to protecting our information networks, taking down bad guys, and protecting our nation.



**MAJ RICH LADUE**  
**AFOSI/JA**  
**ANDREWS AFB, MD**

Maj Ladue advises on worldwide counterintelligence (CI) operations to the Air Force's sole CI organization. He also advises the headquarters and deployed AFOSI agents on operational law issues. Many questions he addresses deal with the intersection of computers and the Fourth Amendment, such as the search and seizure of digital evidence for criminal and CI investigations. He also advises on the lawful use of electronic surveillance, concealed monitoring, physical searches, mail covers, physical surveillances, and undisclosed participation in organizations as AFOSI conducts its CI mission.

"The best part of my job is advising agents, particularly in Iraq and Afghanistan, on the lawful conduct of CI missions and seeing the direct result of what we do. We've helped capture nearly 500 insurgents and destroy over twenty tons of terrorist weapons this year," said Maj Ladue. "Helping to facilitate these operations is very satisfying. Agents do the work, but

AFOSI/JA makes sure that the evidence sticks and the operators are legal."

A growing area of legal practice Maj Ladue must address concerns the intersection between computer operations and intelligence oversight. According to Maj Ladue, we have only scratched the surface in this area of law, but interest and issues are expanding rapidly.

Maj Ladue also works closely with other federal agencies. Last spring, to resolve media and congressional concern, Maj Ladue briefed Senate and House intelligence committee

staffers on AFOSI's authority to use national security letters during CI investigations. Maj Ladue also works closely with the Department of Justice's National Security Division, as recent changes and legislative modifications to the Foreign Intelligence Surveillance Act (FISA) impact how AFOSI conducts joint surveillance with the Federal Bureau of Investigations. Prior to the rewrite of FISA that resulted in the Protect America Act of 2007 last summer, the Attorney General briefed Maj Ladue and other government attorneys on the proposed changes.

"Seeing the legislation modifying FISA come to fruition, and having to implement those changes for AFOSI CI operations, has been both challenging and rewarding," said Maj Ladue. "But being briefed by the United States Attorney General on the topic was incredible."

*The role of the JAG Corps in the Air Force has changed and grown tremendously from when I was on active duty. Commanders rely far more heavily on their staff judge advocate for advice on much broader areas of their responsibilities. Members of the JAG Corps are trained in many more areas of the law, so they are better positioned to provide the advice sought.*

– CMSgt Wallace E. Johnson, USAF (Ret.)

## AIR FORCE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AGENCY

Lackland AFB, TX

The Air Force Intelligence, Surveillance, and Reconnaissance Agency legal office (AF ISR Agency/JA) advises the Commander, AF ISR Agency, and subordinate units, including the 70th Intelligence Wing, the National Air and Space Intelligence Center, and the Air Force Technical Applications Center, on a full range of legal issues from intelligence operations to classified contracts. The commander is also dual-hatted as the Commander, Joint Information Operations Warfare Command (JIOWC), U.S. Strategic Command, so AF ISR Agency/JA provides information operations advice and legal training in support of current joint operations in the Global War on Terror.

Effective 8 June 2007, the Air Intelligence Agency was



redesignated as the AF ISR Agency and realigned as a field operating agency reporting to Headquarters Air Force, Deputy Chief of Staff for Intelligence, Surveillance, and Reconnaissance. AF ISR Agency/JA kept busy in 2007 supporting issues related to the reorganization. At the same time, they helped revive the Air Force's human intelligence mission after a ten-year hiatus.

AF ISR Agency, as the service cryptologic element of the National Security Agency (NSA), had been mostly a force provider

for the signals intelligence mission, but now has a growing role as a mission manager. AF ISR Agency/JA also continued to have significant responsibilities for information operations. Although many of these responsibilities within the Air Force have transitioned to 8th Air Force, AF ISR Agency provided significant support to 8th Air Force during the transition. AF ISR Agency/JA also reviewed NSA, joint, and Air Force doctrine publications. The agency's attorneys have busted legal myths which unnecessarily restricted operational flexibility or could have led to war crimes allegations.

AF ISR Agency/JA enjoys a relatively unique position in the Air Force, with a highly specialized practice, joint connections, daily involvement in cutting-edge operations, and the opportunity to shape future warfighting technology and operational concepts. It is an exciting place to practice law.

## HEADQUARTERS AIR FORCE PERSONNEL CENTER

Randolph AFB, TX

Headquarters Air Force Personnel Center legal office (HQAFPC/JA) advises the AFPC Commander and staff, Secretariat, Air Staff, and JAG Corps personnel worldwide on legal issues involving accession, assignment, promotion, disability, discharge, retirement, records correction, duty status determinations, Freedom of Information Act issues, and



central selection board procedures. AFPC/JA also provides counseling for judge advocates who were not selected for promotion. Specialists

in officer and enlisted personnel law, AFPC/JA facilitates complex personnel actions between JAG Corps personnel in the field and AFPC personnel subject matter experts.

During 2007, AFPC/JA was involved in a number of significant efforts. AFPC attorneys provided recommendations for new legislation to improve the processing of service-connected disability cases. AFPC/JA worked to establish the Department of Defense's (DOD's) disability evaluation

system pilot program, which will ensure the seamless transition of care for wounded, ill, and injured servicemembers to the Department of Veterans Affairs system. The office also reviewed 600 petitions and drafted 56 formal legal advisories concerning the disposition of applications to the Air Force Board for Correction of Military Records.

AFPC/JA was actively engaged in various initiatives piloted by AFPC to transform personnel support throughout the Air Force.

With actions such as retirements and voluntary separations transitioning to web-based tools, AFPC/JA continued to resolve issues key to their successful implementation. It also addressed a spectrum of issues related to the implementation of officer and enlisted force shaping initiatives and other proposals consistent with Program Budget Decision 720. AFPC/JA developed a basis for involuntary separation of disqualified Airmen—an Airman whose Air Force specialty code has been withdrawn and has no other awarded skill.

In 2007, the Air Force Missing Persons Branch, in conjunction with AFPC/JA, conducted a non-hostile missing status review hearing. As legal advisor to the Air Force representative for unemployment for ex-servicemembers, AFPC/JA successfully appealed an adverse state ruling. AFPC/JA also partnered with AFPC subject matter experts to update the 97 Air Force instructions over which AFPC serves as the office of primary responsibility.

## DIRECT REPORTING UNITS

A direct reporting unit (DRU) is a subdivision of the Air Force, directly subordinate to the Chief of Staff (CSAF), and is separate from any major command (MAJCOM) or field operating agency due to unique missions, legal requirements, or other factors. A DRU performs a mission that does not fit into any of the MAJCOMs but has many of the same administrative and organizational responsibilities as a MAJCOM. A DRU is also different from Headquarters U.S. Air Force, the Secretary of the Air Force and the Secretary's principal staff, and the Air Staff headed by CSAF. JAG Corps personnel are currently assigned to and provide legal services to the following DRUs, two of which are profiled here: Air Force District of Washington, Air Force Doctrine Center, Air Force Operational Test and Evaluation Center, and U.S. Air Force Academy.

### **AIR FORCE DISTRICT OF WASHINGTON**

Andrews AFB, MD

The Air Force District of Washington (AFDW) is a direct reporting unit with major command and numbered air force responsibilities. Activated in July 2005, AFDW provides headquarters support to the 11th Wing located at Bolling Air Force



Base, Washington D.C., and to the 316th Wing, 79th Medical Wing, and 844th Communications Group at Andrews Air Force Base, Maryland. The AFDW Commander serves as the general court-martial convening authority (GCMCA) for all Air Force military members assigned to the National Capital Region (NCR) and worldwide Air Force elements.

# SPOTLIGHT ON...

## A VWAP LIAISON

Dennis (“Denny”) Matthews is the Victim and Witness Assistance Program (VWAP) Liaison, 11th Wing, Bolling Air Force Base, Washington D.C. He began working as a VWAP liaison in 1994 following a 22-year military career. Since joining the 11 WG in April 2005, he has made Bolling’s program a phenomenal success and more importantly, changed lives. In his first year, Mr. Matthews made dramatic VWAP improvements that more than doubled the number of crime victims and witnesses assisted. He completely revised the 11 WG Crime Victims Handbook, expanding a lackluster five-page brochure into a twenty-page informative guide consistent with Department of Justice guidelines. He also produced an innovative VWAP web page with external links to regional and national victim service providers. Mr. Matthews launched unprecedented training initiatives, training over 500 law enforcement personnel, commanders, first sergeants, and senior enlisted personnel through a myriad of venues, including a first-ever commanders and first sergeants seminar.

But numbers and projects don’t tell the whole story. Anyone who works with victims or witnesses knows that a truly gifted advocate makes a difference by touching lives one person at a time. Mr. Matthews has this gift, as evidenced by feedback from those with whom he works. Consider just a few examples of the lives Mr. Matthews has touched and changed.

Mr. Matthews assisted a male college-age victim following a brutal assault by four Airmen. The victim, who suffered a severely broken leg, underwent lengthy hospitalization and will face significant lifelong physical limitations. Mr. Matthews accompanied the young man to testify in four separate hearings, including a civilian hearing in Virginia. Although



**MR. DENNIS MATTHEWS**  
11 WG/JA  
BOLLING AFB, DC

victim compensation is normally limited in military cases, Mr. Matthews helped the man obtain thousands of dollars in direct compensation to offset medical and other expenses not covered by insurance, in lieu of payment of fines to the government.

Mr. Matthews also made a huge difference in the lives of a fourteen-year-old child sex victim and her family. The victims’ family had no experience with the Air Force other than the victimization of their daughter by an Air Force officer, and Mr. Matthews secured

the cooperation of the victim and her parents, providing the lynchpin to a successful prosecution. More importantly, Mr. Matthews greatly improved the family’s negative perception of the Air Force.

Mr. Matthews was also requested by name to assist the surviving family members of a murdered young female Airman in a capital murder case. He developed a bond of trust with the victim’s family, and he traveled with them to Iceland to attend the preliminary hearing in the case. Mr. Matthews sat with the family through pretrial motions, which spanned eight months; a six-week trial; and he helped the victim’s brother obtain permissive leave from the Army so he could attend the trial. When the jury ultimately found the accused Airman not guilty of murder, he continued to assist the family in dealing with this horrible tragedy. To this day, Mr. Matthews regularly contacts them and aids them through the post-trial process.

From consoling witnesses who are anxious about upcoming testimony, to training law enforcement personnel to educating young Airmen about military justice, Mr. Matthews has made a difference. Mr. “Denny” Matthews lives the JAG Corps vision.

*Leadership is now a 24/7 thing. There is no down time. The pace of business and technology means that leaders are rarely “free.”*

– Brig Gen Edward F. Rodriguez, Jr., USAFR (Ret.)

## DIRECT REPORTING UNITS

Based on the growing demands of one of the Air Force's newest commands, AFDW/JA grew in 2007 from ten to seventeen military and civilian personnel. The office gained five attorneys, including an environmental attorney, and a command paralegal manager. Towards the end of the year, the 70th Intelligence Wing at Fort Meade transferred from 8th Air Force to AFDW for GCMCA responsibility. Early in 2008 AFDW/JA will relocate from Bolling to Andrews and will be temporarily housed in a refurbished facility until completion in 2011 of the new Air Force NCR Administrative Headquarters building at Andrews Air Force Base.

In 2007, the Secretary of the Air Force published Special Order GA-07-001, which designated AFDW as the convening authority for most active duty and Air Reserve Component personnel assigned to Air Force organizations that are not otherwise assigned to an installation with a commander

exercising court-martial authority. This includes more than 35,000 Air Force members assigned outside the Air Force on joint, combined, coalition, and Department of Defense (DOD) staffs, as well as those assigned to agencies outside of DOD. Most Air Force members outside of AFDW who will be investigated, disciplined, or administratively processed by AFDW are transferred to AFDW under the newly designated Interim Member Transfer program, the procedures for which will be published in an appendix to AFI 36-2110, Assignments. Adding significantly to the complexity of AFDW's military justice actions is the fact that roughly 50 percent are officer cases, the overwhelming majority of whom are field grade.

The AFDW Operations Law Division, the Air Force's premier domestic operations law office, remained very busy in 2007. In their unique role as chief legal advisor for the Air Force homeland security mission in the

NCR, they provided legal support to all national special security events, including President Ford's state funeral and the state of the union address. In addition, the Operations Law Division was involved in a number of joint exercises with Joint Task Force – NCR.

Unlike most headquarters legal offices, AFDW/JA's Contract Law Division provides all legal support for procurement actions by the AFDW Acquisitions Branch (AFDW/A7K), which supports the AFDW headquarters and the Air Staff, as well as the 11th Contracting Squadron at Bolling Air Force Base and the 316th Contracting Squadron at Andrews Air Force Base. In FY 2007, AFDW/JA reviewed over 3000 contract awards and modifications by the three offices, including a 60 percent rise in the value of contracting actions by AFDW/A7K alone to over \$645 million. The Contract Law Division was also involved in the finalization of privatization of the Bolling Air Force Base military family housing.

## DEPARTMENT OF LAW

United States  
Air Force Academy, CO

The U.S. Air Force Academy educates, trains and inspires men and women to become officers of character, motivated to lead the U.S. Air Force in service to our nation. Faculty members of the Department of Law (DFL) team up with colleagues in over 30 other academic specialties to help the Academy develop leaders who are



committed to social, professional, and individual responsibilities,

empowered by intellectual and warrior skills, and grounded in essential knowledge of the profession of arms and the human and physical worlds.

DFL offers eleven upper-level law courses as well as the Air Force Academy's core course in the study of law, Law for Air Force Officers. DFL's core course, which is required for all cadets, introduces students to the legal knowledge and skills they will need as Air

Force officers and educated citizens. It provides an overview of the American civilian and military legal systems, covering everything from basic criminal law and torts to constitutional law and the law of armed conflict. Cadets have consistently ranked DFL's core course in the top 10 percent of all core courses taught at the Academy, including "Number 1" in course relevance, amount learned, instructor effectiveness, and course text (a DFL publication).

DFL's educational influence on cadets extends beyond the traditional classroom. In 2007, DFL provided "in-the-field" use of force and rules of engagement briefings to over 1200 cadets attending the Academy's global engagement program, briefed all freshman cadets on academic integrity and intellectual property, and executed Secretary of the Air Force-directed Uniform Code of Military Justice training for over 2600 cadets. DFL also hosted an evening lecture by Major General Charles J. Dunlap, Jr., The Deputy Judge Advocate General, and a presentation by

Solicitor General of the United States Paul Clement. Both presentations were attended by over 600 cadets.



*Maj Shawn McKelvy with cadets in San Remo*

DFL members are also involved in a myriad of events and programs outside of the classroom. For example, DFL plays a critical role in the cadet-run Wing Honor System. In Academic Year 2006-2007, DFL faculty members provided primary legal advice in 99 percent of all cadet honor investigations and in 95 percent of all cadet wing honor boards. DFL faculty members also served as squadron professional ethics advisors, associate air officer commanders for academics, and

officers-in-charge for several cadet clubs and athletic organizations.

DFL also worked hard to provide cadets with diverse educational and leadership opportunities beyond the gates of the Academy. The DFL-sponsored mock trial program allows cadets to expand their advocacy and critical thinking skills in a sophisticated criminal trial scenario. Competing against undergraduate institutions from across the country, including Yale, Brandeis, Creighton University and the University of New Hampshire, the cadet mock trial team took first place at both the U.S. Coast Guard Academy Guardian Invitational competition and the University of Kansas Mock Trial competition. DFL also led four cadets to a first-place finish in the Joint Inter-Academy Law of Armed Conflict Competition, outscoring teams from West Point, Annapolis, the Coast Guard Academy, and the Canadian Royal Military. DFL faculty also led cadet teams who competed at international competitions in San Remo, Italy, and El Escorial, Spain.

*Shortly after becoming a JAG, my SJA came to my office to see how I was getting along and to pass on some wisdom. He told me never to forget that I was paid to assess things independently and that he wanted my personal professional opinion. I was never to tell him just what I thought he wanted to hear. If he disagreed with me, he would never ask me to change my opinion; he would take responsibility by putting his name to any contrary opinion he might decide to give. I was very impressed by those remarks and have always taken them to heart. I always told my clients and commanders what they should hear and never compromised my integrity by telling them only what they wanted to hear when that was not the law.*

– Brig Gen Jarisse J. Sanborn, USAF (Ret.)

# MAJOR COMMAND LEGAL OFFICES

Staffed with anywhere from eight to thirty legal professionals representing active duty, civilian, and reserve members, the nine major command (MAJCOM) legal offices provide full-spectrum legal services to the MAJCOM commanders and headquarters staff, including unique command issues, to ensure operational success. In addition, the MAJCOM legal teams provide professional oversight to the field on military justice, civil law, ethics, operational law, intelligence law, environmental law, labor law, commercial law, aviation and space law, acquisition law, and ethics.

## AIR COMBAT COMMAND



**COL  
CHRISTOPHER F. BURNE  
STAFF JUDGE ADVOCATE**

Air Combat Command (ACC), headquartered at Langley Air Force Base, Virginia, organizes, trains, equips, and maintains combat-ready air forces for rapid deployment and employment around the world. It also ensures strategic air defense forces are ready to meet the challenges of peacetime air sovereignty and wartime defense. ACC provides nuclear-capable forces to the U.S. Strategic Command, air defense forces to the North American Aerospace Defense Command and theater air forces to the five geographical unified commands. Four numbered air forces, First Air



Force, Eighth Air Force, Ninth Air Force and Twelfth Air Force, and the U.S. Air Force Warfare Center fall under ACC. ACC is comprised of 700 aircraft and approximately 105,000 active duty military members and civilian personnel at 29 installations in the United States. When mobilized, more than 61,000 Air National Guard and Air Force Reserve members, along with 618 aircraft are assigned to ACC.

ACC/JA advises the ACC four-star Commander and his staff on legal issues associated with carrying out its mission including military justice, civil litigation, operations law, commercial law, adverse personnel actions, aviation law, and environmental law. Additionally, JA



**CMSGT JAMES C. HOBZA  
COMMAND PARALEGAL  
MANAGER**

provides professional supervision to judge advocates, civilian attorneys, and paralegals serving all ACC forces worldwide.

In 2007, the Aviation Division oversaw fifteen accident investigation boards (AIBs), including two fatalities, ensuring investigations were thorough, informative, and provided the commander with information needed to prevent future incidents. Notably, when an aircraft dropped flares on the Warren Grove Range in New Jersey that led to a subsequent forest fire, civilian

injuries, and civilian property damage, ACC attorneys worked hand-in-hand with public affairs, local and state representatives, and the Air National Guard to ensure the results of the AIB were accurately briefed to victims, the media, and elected officials. ACC lawyers were also intimately involved in the investigation and complex legal issues that rocked the Air Force after a Missouri Air National Guard F-15 broke apart in flight due to structural problems as a result of a fatigue crack in a defective support beam. The worldwide grounding of the F-15 A-D fleet once again demonstrated the necessity of timely and detailed legal advice to guide operational decisions and contribute to mission success.

Through part of 2007, the Operations Division was busy selecting and deploying JAG Corps personnel worldwide as part of the Air and Space Expeditionary Center until it transitioned to the Headquarters Air Force Professional Development Division in late spring. Over 160 ACC JAG Corps members were deployed in 2007. Operations Division attorneys also provided 24/7 legal advice during crises as part of the ACC Operations Center. Round-the-clock legal advice was provided when wild fires swept through southern California in November, and civilian authorities requested critical and timely imagery. In addition, the unauthorized transfer of nuclear weapons between Minot Air Force Base and Barksdale Air Force Base in August generated myriad legal issues resulting in daily interaction with investigators, MAJCOM and Air Force leadership, as well as orchestrating congressional,

Department of Defense, and media information flow. The lengthy commander-directed investigation indicated a lack of focus and failure in checklist discipline that resulted in a wing commander, two group, and two squadron commanders being relieved of command.

The Military Justice Division shined by decreasing military justice processing times by more than twenty percent, including actions taken in the Central Command area of responsibility. Technology was put to work through monthly information sharing via website, NAF teleconferences, and dissemination of helpful tips and informal "lessons learned" through e-mail. These steps improved processing times of military justice actions by over 33 percent in less than a year.

The Environmental Law Division (JAV) remained productive throughout 2007 dealing with the environmental impact of transferring Cannon Air Force Base from ACC to Air Force Special Operations Command; the Realistic Bomber Training Initiative and successful conclusion of its related litigation; and the New Mexico Training Range Initiative, which will enhance combat training for deploying F-16 pilots. Other 2007 JAV highlights included spearheading the charge for legal solutions in creating a new Predator Wing at Creech Air Force Base, primary environmental legal oversight on the F-35 beddown at Nellis Air Force Base, and the Tonopah Testing Range nuclear waste cleanup. JAV attorneys continued

to provide legal support to ACC installations on all manner of encroachment issues, most notably at Nellis Air Force Base.

In addition to the myriad of ethics issues worked, the Civil Law Division (JAC) led the office in advising on legal issues surrounding the standup of Air Force Cyber Command. As the lead MAJCOM for open house issues, JAC attorneys continued to provide valuable inputs into developing the Air Force open house instruction. JAC also developed open house training and source materials used throughout the Air Force.

"One team, one fight," was the motto for the Total Force Integration (TIF) Law Division (JAF). JAF worked with Air Force Reserve Command and the National Guard Bureau on over 70 integration initiatives preliminarily approved for plan development by the Chief of Staff. Major milestones reached in 2007 included a plan to integrate B-2 operations and maintenance at Whiteman Air Force Base, a memorandum of understanding between the Air Force Reserve Command and ACC F-16 wing commanders at Hill Air Force Base, and a TIF Plan Review worksheet to integrate F-22A operations and maintenance at Holloman Air Force Base.

Finally, the Training Division (JAT) stood up in 2007. JAT's vision is to fuse legal action and legal training together using ACC JAG Corps members with expeditionary field experience as teachers for those who are preparing to deploy.

# AIR EDUCATION AND TRAINING COMMAND



**COL DWIGHT D. CREASY**  
**STAFF JUDGE ADVOCATE**

Command (AETC), located at Randolph Air Force Base, Texas, touches the life and career of every Airman. Whether through recruiting, basic military training (BMT), advanced technical training, initial flying training, or professional military education (PME), AETC creates and implements premier programs to develop America's Airmen today ...for tomorrow. AETC/JA was directly involved in the development of numerous significant training programs this year, having major impacts in their arena and beyond.

The Chief of Staff of the Air Force determined the Air Force needed to better prepare Airmen for the missions they were being tasked within the deployed environment. As a result, the Combined Battlefield Airmen Training (CBAT) program was born. CBAT will provide Airmen with enhanced small arms, land navigation, and



combative skills. Three bases were identified as potential bed down sites. The Environmental Law section compared the proposed sites against the CBAT footprint. It was clear a full environmental impact statement (EIS) was necessary to preclude future challenges, and clear the way for an appropriate site selection. That EIS is underway. In the meantime, AETC has implemented a bridge course to fill the gap until CBAT hits initial operational capability.

The Air Force has been increasingly unable to provide allied aircrew training in the quantity needed. One solution involves leveraging Air National Guard (ANG) resources to provide this training through Total Force Initiatives (TFI). The Operations Law section discovered that one major TFI, as proposed, ran afoul of Title 32. Teaming with Secretary of the Air Force, Headquarters Air Force, and National Guard Bureau assets, a solution was crafted to redefine the affected ANG mission, bringing



**CMSGT ANGELA M. DODD**  
**COMMAND PARALEGAL  
MANAGER**

the proposed training in compliance with Title 32 and clearing the way for program announcement.

The AETC/JA Acquisition Law (AETC/JAQ) Division's excellence continued in 2007. Their workload supports the AETC Commander as a head of contracting authority, and the AETC Contracting Squadron, a contracting activity imbedded in AETC Installations and Mission Support. Among the projects tackled by JAQ, which included base operating support contracts, A-76 cost studies, and Air Force recruiting and marketing projects, two issues in particular reach beyond the command.

With increased base security following 9/11, installations have reached out to private contractors to provide base security. JAQ guided AETC contracting through request for proposal (RFP), source selection, and contract award to

# SPOTLIGHT ON... A MAJCOM PARALEGAL

Most people who have completed basic military training (BMT) probably wouldn't be interested in repeating the experience. But Master Sergeant Shawn Brooks (then Technical Sergeant Brooks), did exactly that when he volunteered to temporarily leave the JAG Corps and return to BMT as a military training instructor (MTI). Following sixteen weeks of intense training in 2003, he earned the right to wear the MTI campaign hat, and from August 2003 until August 2007, MSgt Brooks served with the 323d Training Squadron at Lackland Air Force Base, Texas, where he impacted the lives of thousands of Airmen in BMT. During the assignment, he helped the squadron earn two back-to-back first-place annual awards for "Best in Parade," an accomplishment no other BMT unit has ever claimed. After eighteen months, he became a section supervisor where he led a team of fifteen instructors.



**MSGT SHAWN BROOKS**  
AETC/JA  
RANDOLPH AFB, TX

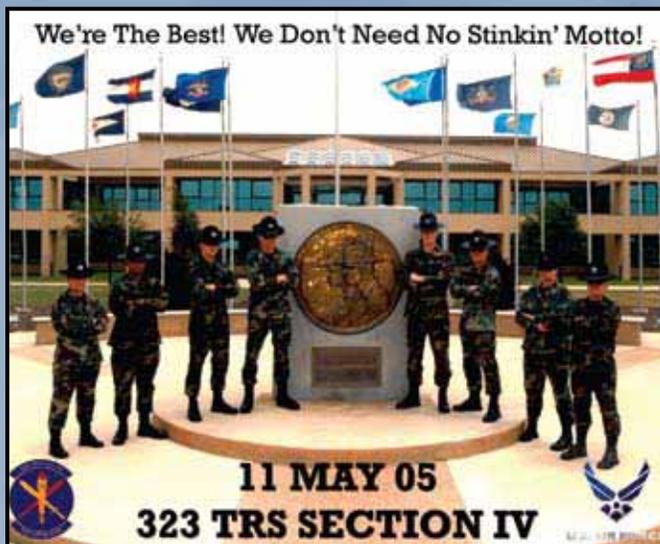
has served in a variety of positions in the JAG Corps. His experiences as a paralegal taught him the importance of investigating matters fully, a work ethic that served him well as an MTI. Basic trainees he counseled often had seemingly unfixable issues, but MSgt Brooks' background helped him to identify the reasons for trainees' problems and refocus them on training.

MSgt Brooks' research skills also proved vital in the training environment. In spring 2005, instructors were tasked to help rewrite the BMT curriculum. MSgt Brooks conducted research with the Army to develop warrior

ethos lesson plans, and his efforts helped establish a strong warrior-focused training environment.

In August 2007, MSgt Brooks returned to the JAG Corps and attended the 2007 KEYSTONE Leadership Summit. When he heard TJAG speak of "Rip Van JAG," a character who fell asleep and awoke years later in a new legal environment, MSgt Brooks reflected on his own time away from the JAG Corps. When he left in 2003, the JAG Corps was still a department, personnel claims were handled by the base, and video teleconferences were rare. He returned to find a changed JAG Corps with the Claims Service Center, other developing Field Support Centers, and active webcast training.

Speaking about his time as an MTI, MSgt Brooks said, "My greatest accomplishments came at the end of six weeks when we graduated new Airmen. It takes a lot of dedication to turn a civilian into someone committed to the Air Force way of life. Family members were always so grateful for 'their Airman's' transformation, and I felt proud to be part of that. If I had to do it all over again, I would! I'm bringing back to the JAG Corps immeasurable amounts of leadership, management, and supervisory skills—kinds that aren't taught in a formal classroom."



*MSgt Brooks (second from left) during his MTI assignment*

Currently the law office manager at Headquarters Air Education and Training Command, MSgt Brooks

## MAJOR COMMAND LEGAL OFFICES

a point where three regional Air Force gate guard contracts have been awarded enhancing the security at 46 Air Force bases.

Texas has partially deregulated the electric industry in the state. In part, this means that electricity providers may compete for customers. This creates an opportunity for Texas bases, as major electricity consumers, to potentially decrease electrical costs. As a first initiative, AETC is seeking to bundle the electricity needs of three bases under one competitive contract. Once again, JAQ advised planners on the RFP, and continues to advise as bids are received and the project moves to source selection. This is the first project to test these waters, the effects of which could affect the many Department of Defense facilities throughout the state.

Over the last several years, the processing times for promotion propriety actions have grown to

several months. In January, an Air Force Smart Operations 21 Rapid Improvement Event was convened with AETC Military Justice Division, Air Mobility Command legal office, Headquarters Air Force Administrative Law Division, Secretary of the Air Force Office of the General Counsel, Air Force Personnel Center, and Headquarters Air Force Manpower and Personnel representatives. The result of the event was the implementation of Air Force Forms 4363 and 4364 documenting promotion propriety actions, an interim change to Air Force Instruction 36-2501, and a nearly two-thirds reduction in processing times.

In 2007, the Civil Law (JAC) section took on National Security Personnel System transitions, support to housing privatization awards at six bases, Air Force 60th Anniversary celebration and AETC Symposium issues, and four

operational readiness inspections. JAC also served point for two aircraft accident investigation boards (AIBs) (Columbus Air Force Base T-38 mishap and Randolph Air Force Base T-38 mishap, neither involving fatalities) and two ground AIBs (Altus Air Force Base fatality and Tyndall Air Force Base fatality).

As a result of the latest base realignment and closure recommendations, Randolph Air Force Base, Lackland Air Force Base, and Fort Sam Houston have been directed to develop a joint basing implementation plan. With the Air Force as the supporting agency, AETC has been directed to build and implement the plan. AETC/JA is charged with creating the legal support template and memorandum of agreement which will ensure legal services continue to be available to commanders, Soldiers, and Airmen.

# AIR FORCE MATERIEL COMMAND



**BRIG GEN  
DAVID G. EHRHART  
STAFF JUDGE ADVOCATE**



Headquarters Air Force Materiel Command (HQ AFMC)/JA is located at Wright-Patterson Air Force Base (WPAFB), Ohio.



**CMSGT JACK L. CRAFT  
COMMAND PARALEGAL  
MANAGER**

With a staff of approximately 22 personnel, it has oversight responsibilities for more than 330 attorneys and nearly 200 paralegals at fourteen installations including one field operating agency (FOA), three air logistics centers, four product centers, and two test centers. Its mission is to provide effective, timely, and full-spectrum legal services to the commander and directors to enable them to shape the workforce and infrastructure to develop, field, and sustain war-winning expeditionary capabilities in a legally supportable way.

During 2007, AFMC/JA hosted “Corporate Counsel Day” at the Dayton Convention Center. Corporate Counsel Day brought together legal counsel from the government and the aerospace and defense industries for briefings and panel discussions. Counsel were also able to improve government/industry relations and discuss common issues in a relaxed, collegial environment. The Directorate of Acquisition Law (JAO) also hosted the Air Force Systems and Logistics Contracting Course (AFSLCC), a three-day, advanced acquisition law seminar broadcast by Air Force Distance Learning to over 100 Air Force attorneys, contracting personnel, and financial management personnel. AFSLCC covered several acquisition topics—including source selections and negotiated procurements—in a comprehensive manner, and also focused on the special interest topics of public-private partnering, fiscal law, and debriefings.

The AFMC Acquisition Law Division helped improve how the command contracts for

advisory and assistance services (A&AS). AFMC’s strategy called for resource governance through implementation of an A&AS requirements approval process. First tested at HQ AFMC, the process uses an electronic requirements approval document to ensure deliberate management of government personnel, insight over contracted resources, and senior leadership visibility to leverage smart sourcing opportunities, i.e., determine which source—public or private—would best meet validated requirements and whether efficiencies might be gained through consolidation of requirements. The requirements approval process proved effective and has been incorporated into an AFMC Instruction for implementation across the command.

As the receiving MAJCOM for the largest move to come from the 2005 Base Realignment and Closure, AFMC/JA has been a key team member in standing up the future Air Force Research Laboratory (AFRL) Human Performance Wing at WPAFB. This stand-up requires the disestablishment of the aeromedical missions at Brooks City-Base, their transfer to a newly-constructed multi-million dollar research campus at WPAFB, and their consolidation with several other aeromedical research missions from elsewhere in the Air Force and the Navy.

During 2007, 25 judge advocates and 13 paralegals from AFMC deployed overseas. The Directorate of Administrative and General Law (JAA) was instrumental in identifying the best individuals

to fill these slots—ensuring optimal mission accomplishment at the deployed location while minimizing negative mission impact at home station. Overall, AFMC filled approximately 40 percent of the Air Force’s deployed contract law billets. JAA also underwent a restructuring in August 2007, taking over from the AFMC Law Office the role of providing ethics advice to the HQ AFMC staff (making this legal support more convenient for the clients) and the AFMC field legal offices.

### **AFMC LAW OFFICE**

Located at Wright-Patterson Air Force Base (WPAFB), Ohio, the Air Force Materiel Command Law Office (AFMCLO) is a multifaceted field operating agency of Headquarters Air Force Materiel Command (HQ AFMC) composed of five directorates. AFMCLO provides acquisition law services for Aeronautical Systems Center’s (ASC’s) major aeronautical systems acquisition programs, Air Force Research Laboratory’s (AFRL’s) technology programs and Air Force Security Assistance Center’s foreign military sales cases; oversees environmental law support to AFMC’s compliance, remediation, and environmental management program; provides legal support on all AFMC housing privatization projects and ASC’s government owned/contractor operated (GOCO) plants; manages the command acquisition integrity program; provides intellectual property law services, including patent prosecution and copyright, trademark, technical data and technology transfer advice; and Air

# SPOTLIGHT ON... A MAJOR SYSTEMS PROGRAM COUNSEL

Mr. (also Reserve Colonel) John Hart came to the Air Force Materiel Command Law Office (AFMCLO) Contract Law Division (JAN) in 2006 after six years as contract trial attorney and ten years before that as a major command acquisition counsel at U.S. Forces in Europe legal office. With more than 24 years of contract law experience, Mr. Hart notes, "I've had some incredibly exciting and responsible jobs over my career, but none as challenging and satisfying as what I'm doing now."



**MR. JOHN HART**  
AFMCLO/JAN  
WRIGHT-PATTERSON AFB, OH

Since joining AFMCLO/JAN, Mr. Hart has worked with a variety of research and acquisition agencies. While counsel to the Air Force Research Lab (AFRL), he advised on contracts, grants, and other assistance instruments for many exciting new technologies including Mach 10-capable propulsion, a new reusable space vehicle, and laser-based communication "pipes" one thousand times more capable than today's fastest broadband. "One new sensor technology I supported at AFRL called 'Angel Fire' is being operationally tested now and has shown great promise."

The 303d Aeronautical Systems Wing (AESW), Mr. Hart's current client, is Aeronautical Systems Center's largest wing handling all reconnaissance, intelligence, and surveillance acquisition needs. "The 303 AESW has nearly 100 extraordinarily professional contracting officers and contract negotiators working hard to acquire and sustain the Predator, Reaper, and Global Hawk systems, including all associated sensors and ground stations," he said. "So far this year I've reviewed over 400 contracts worth over \$5 billion, but I easily spend twice as much

time providing verbal advice and attending meetings than I do reviewing contract files."

Teaming with other experts is vital to Mr. Hart's ability to advocate for the wing's programs. He won a hard-fought protest against a major "K-Street" law firm that enabled his Sensor Division clients to award a contract to develop a real-time signal intelligence capability for the Predator that, as he put it, "will literally help hunt down and kill enemy insurgents. Bob Balcersek, an Air Force Legal Operations

Agency Commercial Litigation Division attorney, and I worked hand-in-hand on that protest along with a tremendously knowledgeable program manager and very astute contracting officer."

Mr. Hart recognizes that his work is critical in today's conflicts. "At KEYSTONE, I realized just how important my job is when General Hayden, our CIA Director, emphasized the importance of intelligence to today's warfighter. I saw the link then about how important our programs really are, and I'm proud to be doing a small part to help."

*Mr. Hart and Mr. Balcersek receiving recognition for their work on the Predator system*



Force-wide administration of the Invention Secrecy Act.

The Contract Law Division (AFMCLO/JAN) provided pivotal support to Aeronautical Systems Center (ASC) on major weapons systems programs crucial to the Air Force's recapitalization priorities including: full service legal support to the KC-X (new tanker platform) and the CSAR-X (new combat search and rescue platform)—Air Force's number one and number two acquisition priorities—including review of requests for proposal, evaluation notices, and offeror communications and preparation for award; resolution of numerous legal issues enabling award of \$5 billion multi-year contract for the F-22A ensuring smooth acquisition of the new fighter; legal support for high visibility C-5 re-engining program and resolution of issues threatening over \$1 billion in modifications to C-17 production; successful defense of several important protests, including an \$800 million consolidated assistance of professional services advisory and assistance services indefinite delivery, indefinite quantity contract keeping small business goals intact, the Predator Airborne Signals Intelligence Package award preserving this major intelligence agency requirement in the Global War on Terror, and the hard-fought defense of the CSAR-X contract; and outstanding legal support to next generation LAIRCOM source selection and Air Force Special Operations Command's \$11 billion HC/MC-130 recapitalization.

The Intellectual Property Division (AFMCLO/JAZ) provided

intellectual property legal advice and services to AFMC and AFRL during 2007. They created "special purpose" cooperative research and development agreements (SPCRADAs) along with a process for AFRL Technical Directorates to waive their 30-day review authority and grant their three-letter offices authority to enter into SPCRADAs with no further review. All WPAFB AFRL Technical Directorates have adopted the SPCRADAs. JAZ also provided crucial litigation support in *Blueport Company v. United States*, a case alleging copyright infringement by the Air Force, ultimately resulting in dismissal of the case based on lack of subject matter jurisdiction. This ruling has great precedential value for the Government in convincing a court to dismiss such suits on a motion for summary judgment instead of after a full hearing on the merits. JAZ, in cooperation with JAN, completed acquisition of the intellectual property rights, primarily trademark registrations, surrounding the famous B-17F, Memphis Belle, for the National Museum of the United States Air Force (NMUSAF). NMUSAF had recently recovered possession of the Memphis Belle from the Memphis Belle Memorial Association in Memphis and is currently restoring the aircraft. JAZ and JAN are currently in negotiations with the owner of the B-17G modified to resemble the Memphis Belle for the 1990 remake of the original 1944 movie *Memphis Belle, A Story of a Flying Fortress* to end confusion between that aircraft, which is a regular at air shows, and the real Memphis Belle.

The Industrial Facilities Division (AFMCLO/JAK) assisted in negotiating and closing a Phase II project to complete the housing privatization at Robins Air Force Base and in soliciting offerors and selecting the highest-ranked offeror for the Air Mobility Command West Grouping which included Tinker Air Force Base. JAK continued to assist AFMC Installations and Missions Support with real estate matters including the lease of a Level III Biohazard lab for an AFRL unit relocating from Brooks City-Base. Additionally, they supported ASC with GOCO plants (plants focused on weapons systems manufacturing, testing, and evaluation) including environmental litigation at Plants 36 and 44; lease renewals at Plants 4 and 6; real estate and jurisdictional issues at Plants 3, 42, 44, and 59; sale and litigation issues at Plant 59; and a possible Comprehensive Environmental Response, Compensation, and Liability Act reopener at Plant PJKS.

The Ethics and Fraud Remedies Division (AFMCLO/JAF) was restructured and became the Acquisition Integrity Division. JAF's portfolio now consists of procurement fraud, suspensions, and debarments; acquisition-related ethics; post-government employment; and financial disclosure. The JAF fraud team was presented with the Air Force General Counsel's Procurement Fraud Remedies Award and played a key role in the recovery of over \$100 million resulting from fraud on AFMC contracts. In addition, JAF updated its highly-regarded ethics web site with the most current information available and

## MAJOR COMMAND LEGAL OFFICES

created a new procurement fraud web site. Finally, JAF established an innovative teaming arrangement with Air Force Office of Special Investigations and AFMC/PK to improve detection and prosecution of contract fraud.

The Environmental Law Division (AFMCLO/JAV) helped prepare AFMC/CC for the Air Force 2007 Energy Summit to explore alternative fuels as a response to greenhouse gases, high aircraft fuel costs, and U.S. dependence on foreign oil. They led the legal effort that eliminated more than two-thirds of the penalty assessment by the New Mexico Environment Department against Kirtland Air Force Base for fourteen hazardous

waste regulation violations. JAV guided Hill Air Force Base to settlement of an asbestos-related enforcement action when an agreed upon multi-party settlement fell apart. The contractor ultimately agreed to pay the entire penalty. They provided extensive legal support to accomplish National Environmental Policy Act environmental assessments and environmental impact statements, most notably for the base realignment and closure actions at Eglin Air Force Base to bed down the F-35 Joint Strike Fighter and the Army's 7th Special Forces Group—Airborne—among Chief of Staff of the Air Force's highest priorities—for the Common Battlefield Training program, the

Cruise Missile Demilitarization program, and numerous other projects. JAV also reviewed and commented on several important planning documents as part of the effort by AFMC to establish the NexGen range capability for training with long range standoff weapons; and shepherded Edwards Air Force Base, the Environmental Protection Agency, and California to agree to the first “technical impracticability” record of decision which allows the Air Force to monitor, rather than remediate, a low-risk site and save tens (and possibly hundreds) of millions of dollars it would have to pay to clean up this site located entirely within Edwards Air Force Base.

# AIR FORCE RESERVE COMMAND



**COL  
WILLIAM A. DRUSCHEL  
STAFF JUDGE ADVOCATE**

The Air Force Reserve Command legal office (AFRC/JA) provides a full spectrum of legal services to the Commander of AFRC, the second largest MAJCOM in the United States Air Force, located at Robins



Air Force Base in Warner-Robins, Georgia. AFRC/JA advises AFRC/CC and his support staff in their oversight of three numbered Air Forces, 35 unit-equipped wings, nine associate units, four groups, 11 reserve bases, 52 tenant units, over 620 mission support units, the Readiness Management Group (RMG), and the Air Reserve Personnel Center (ARPC). The



**SMSGT ANN PARKER  
COMMAND PARALEGAL  
MANAGER**

evolution of AFRC from a standby reserve into a fully operational force is complete, and AFRC is the primary total force provider to the eight other MAJCOMs across the full spectrum of active duty Air

Force missions. AFRC provides 20 percent of the Air Force's total mission capability on two percent of the Air Force budget. As the primary total force provider, Headquarters AFRC is a "mini-air force," with experts ranging across the full spectrum of air and space power requiring, in turn, the full spectrum of legal services 24/7.

In 2007, AFRC/JA guided the command through significant challenges posed by the continuing Global War on Terror, Program Budget Decision 720, homeland security, natural disasters, and base realignment and closure (BRAC) actions. Currently there are 17 simultaneous BRAC actions directly affecting AFRC. The chief, strategic plans and programs, is responsible for reviewing concepts of operations, memoranda of agreement and understanding, and all legislative and Total Force initiatives. In addition, this judge advocate also coordinated the bi-annual Commanders' Legal Issues Courses attended by judge advocates, their commanders, first sergeants, and senior air reserve technicians who tackle command legal issues as

a team. The AFRC Professional Development Center cited this course as the overwhelmingly "best ever" for content, attendance, and positive feedback!

Since the legal career field is a centrally-managed reserve program, RMG Detachment 14 (the judge advocate detachment), is located in the AFRC/JA office. AFRC/JAR judge advocates, paralegals and civilians, exercise daily oversight over the 13,000 member strong judge advocate and paralegal Category (CAT) A (unit) and CAT B (individual mobilization augmentee) programs. They processed approximately 94 accessions and reattachments, and hundreds of judge advocate and paralegal deployments, and home station support/share the wealth/active duty tours accounting for over 4959 military personnel appropriation (MPA) days and 3066 reserve personnel appropriation (RPA) days. Five additional man-years were contributed by reservists performing tours with the Department of Defense General Counsel including detail to the Office of Military Commissions. In addition, AFRC/JAR

coordinated the Annual Survey of the Law Course and a Reserve Officer Orientation Course in Denver, Colorado; conducted the CAT A Staff Judge Advocate/Law Office Superintendent Course at Homestead Air Reserve Base, Florida; and assisted with planning two Executive Council Conferences and two quality review panels.

AFRC/JA's three General Law Division attorneys processed over 1500 line of duty, contract, fiscal law, ethics, and labor law opinions and legal reviews. The labor law attorney guided the command through the changeover to the National Security Personnel System for civilian employees.

The Military Justice Division (JAM) oversaw a busy centralized administrative discharge program for the command. While ARPC was realigned under AFRC's chain of command, the administrative discharge process for the Individual Ready Reserve remains there and all other actions are the responsibility of AFRC/JAM. The JAM team processed hundreds of discharges and conducted over 50 administrative discharge boards.

*High moral character and astute thinking are essential to the JAG Corps being properly recognized for what the Corps has to offer. The challenge is in having Air Force leadership recognize the value of independent advice (legal and otherwise) of judge advocates—an agency with no agenda other than to offer a clear, common-sense approach to issues.*

– Brig Gen Roger A. Jones, USAF (Ret.)

# AIR FORCE SPACE COMMAND



**COL JOHN A. DYER**  
**STAFF JUDGE ADVOCATE**

The Air Force Space Command legal office (AFSPC/JA), located at Peterson Air Force Base, Colorado, advises the Air Force Space Command Commander, staff and numbered air forces, and center and wing commanders on high-interest policy matters and concerns while overseeing a \$20 billion Command Acquisition Program, including space/missile systems procurement, source selection actions, and short suspense Government Accountability Office protest litigation. Unique to the Air Force, the office advises high-altitude operations and outer space issues affecting Air Force relationships with international communities and oversees criminal jurisdiction matters involving Canada for all Department of Defense (DOD) members. The office also provides legal oversight on use of Air National Guard and Reserve forces in federal space operations missions.

The Environmental Law section provided a critical and comprehensive review of real estate and support



agreements for the mission-critical Evolved Expendable Launch Vehicle (EELV) program, which is the premier Air Force program to assure access to space. The Environmental Law section sponsored a successful two-day meeting with the wings and Space Missile Center personnel ensuring that Air Force interests under the EELV program were protected. The Environmental Law section also worked closely with Malmstrom Air Force Base to effectively address community concerns regarding storm water management issues. Finally, the Environmental Law section provided legal advice to Vandenberg Air Force Base to protect Air Force missions from potential encroachment from proposals to conduct oil and gas mining at the installation.

AFSPC attorneys continued to develop the legal curriculum at the National Security Space Institute (NSSI), a DOD-sponsored school for space education and training. A judge advocate assigned to the NSSI, in conjunction with several other Space Command



**CMSGT**  
**THERESA A. PARSONS**  
**COMMAND PARALEGAL**  
**MANAGER**

attorneys, taught dozens of classes to hundreds of DOD, other U.S. Government, and foreign national personnel on various space law topics, homeland and missile defense, and intelligence law.

The Space Law Division is actively engaged in developing a strategic plan for space law and operations, including international engagement on space-related topics. The division recently participated in bilateral discussions with a close ally concerning international space law issues. The division also led the preparation for and participation in the Schriever IV Wargame, a ten-day space-focused wargame, consisting of a team of nine attorneys from the United States, Australia, Canada, and Great Britain. The team also began addressing the rules of engagement issues for the next in the series of Schriever games which will be held at Nellis Air Force Base in March 2009.

The Commercial and Fiscal Law Division took the lead in developing new approaches to contractor ethics provisions, in particular developing organizational conflicts of interest provisions for advisory and assistance services contracts which have the ability to influence future space control systems acquisitions and other provisions addressing possible personal conflicts of interest associated with contractor employees who will be involved in source selection activities. Division attorneys also worked together with Air Force Legal Operations Agency attorneys and subordinate unit attorneys in a consolidated response to housing privatization

contract issues that could have restricted the commander's authority over base housing areas and caused legal problems at the end of the 50-year leases. Without their expert intervention, housing privatizations at Los Angeles, Peterson, and Schriever Air Force Bases would have left commander control of housing areas open to question by local courts and law enforcement agencies. Their successful intervention secured safe, affordable housing for military members at the three bases and preserved the character of military neighborhoods. The resolutions to these issues have now been adopted for implementation throughout the Air Force.

Attorneys from the Operational Law Division played a key role in advising command leadership regarding the 213th Space Warning Mission at Clear Air Force Station, Alaska. The applicable law requires that all personnel performing the mission be in Title 10 status. The 213th Space Warning Squadron is an Air National Guard unit with personnel serving in Title 32 Status. AFSPC/JA provided insightful analysis on the best way forward in order to rectify the situation by employing new legislation and obtaining Presidential action to ensure successful force integration and mission accomplishment.

# AIR FORCE SPECIAL OPERATIONS COMMAND



**COL  
JEFFREY A. ROCKWELL  
STAFF JUDGE ADVOCATE**

Air Force Special Operations Command (AFSOC), America's specialized air power, stays a step ahead in a changing world, delivering special operations power anytime, anywhere. AFSOC provides Air Force special operations



forces (SOF), or Air Commandos, for worldwide deployment and assignment to regional unified commands. AFSOC missions include precision application of firepower, infiltration, exfiltration, resupply, and refueling of SOF operational elements. AFSOC/JA's mission echoes the JAG Corps' mission—delivering professional, candid, independent counsel and



**SMSGT  
MICHAEL T. FARLEY  
COMMAND PARALEGAL  
MANAGER**

full-spectrum legal capabilities to SOF commanders worldwide.

Operational tempo in AFSOC remains at an all-time high as the fight in the Global War on Terror continues. As noted recently by

# CANNON AFB TRANSITION TO AFSOC

On 1 October 2007, Air Force Special Operations Command (AFSOC) activated the 27th Special Operations Wing (27 SOW) at Cannon Air Force Base, New Mexico, replacing the 27th Fighter Wing, an Air Combat Command unit. At the same time Cannon was facing closure due to the 2005 Base Realignment and Closure, AFSOC needed to rapidly develop additional capacity in the continental United States (CONUS) to accommodate growth in Special Operations Forces and to establish an unmanned aerial system under U.S. Special Operations Command. Cannon Air Force Base and its Melrose Range provided the optimal solution to accommodate AFSOC. However, the time required to complete an environmental impact statement (EIS), a process that normally takes at least two years to complete under the National Environmental Policy Act (NEPA), seemed like the long pole in the tent to the rapid stand-up of the 27 SOW.

The AFSOC beddown at Cannon provided a real-world example of Air Force Smart Operations 21 and JAG Corps 21 concepts in action. In summer 2006, AFSOC civil engineers and legal professionals met with their air staff counterparts to form a plan. Faced with a target stand-up date of 1 October 2007, they had a hard question to answer: "How can we internally streamline the NEPA process and eliminate waste, but still protect the environment and create a document that can withstand legal scrutiny?" With an aggressive schedule and identifiable milestones to gauge progress, Major Deirdre Kokora, the AFSOC legal member of the team, worked to ensure that actions taken were analyzed properly in the EIS.



*Lt Col Killion*



*Maj Kokora*



*Mr. Oglander*

Because AFSOC has no dedicated environmental attorney, the Air Force Legal Operations Agency Environmental Law Division (AFLOA/JACE) provided Field Support Center reachback to ensure consistent advice and continuity of effort. Maj Kokora attended each planning meeting to issue spot and up channel information to AFLOA/JACE and Headquarters Air Force Installations and Mission Support (AF/A7). Lieutenant Colonel Chuck

Killion, the staff judge advocate at Cannon Air Force Base and former AFLOA/JACE member, provided the tip-of-the-spear support. Lt Col Killion and Maj Kokora had direct, and almost daily, contact with Mr. Joe Oglander at AFLOA/JACE, who provided expert environmental law advice and served as a conduit for information to and from AF/A7.

Weekly teleconferences or video teleconferences with the contractor and all concerned parties were held to discuss progress, pending issues, and to establish plans to keep the project on schedule. Wing, major command, and AFLOA judge advocates were on every conference call. When it came time to put pen-to-paper on the EIS, the team hosted three "on-board review" sessions before the EIS drafts were released for public comment. All parties met in the contractor's office to agree on wording and content of the EIS. After three days of review, the team produced a 90-plus percent complete EIS with the required multi-level legal reviews completed simultaneously. As a result, the record of decision was signed on 21 August 2007, completing the EIS in half the usual time.

The success of the 27 SOW beddown at Cannon was a true team effort and a perfect example of the Field Support Center concept in action.

the Air Force Vice Chief of Staff, “this command is among the most heavily used and relied upon at the Department of Defense.” AFSOC attorneys and paralegals are postured as enablers for U.S. Special Operations Command (USSOCOM), primarily in support of the Combined Joint Special Operations Air Component, Iraq and Joint Special Operations Task Forces-Arabian Peninsula, Iraq. In 2007, AFSOC JAGs continued to deploy at a higher rate than any other MAJCOM supporting ten OEF/OIF taskings. Paralegals have also leaned forward, supporting special operations taskings at Bagram, Afghanistan and Balad, Iraq. Simply put, Air Commando JAGs and paralegals get the best and most unique deployments in the Air Force.

2007 was also historic for the command’s organization. With the increased demands placed on SOF, AFSOC has been in urgent need of facilities and training opportunities beyond those available in Florida.

Cannon Air Force Base, New Mexico, along with the nearby 60,000 acre Melrose Air Force Range, provided the perfect western-base solution to AFSOC’s force structure increases, live-fire training requirements, and proximity to other Army, Marine, and Navy special forces located in the West. To implement the beddown of AFSOC assets at Cannon Air Force Base, an environmental impact statement (EIS) was required to analyze the potential environmental consequences and alternative mission changes before specific resources were committed to move. The accomplishment of the EIS was a true Air Force Smart Operations 21/JAG Corps 21 Lean event, streamlining the process and eliminating the time waste. AFSOC was able to eliminate layers in the review process and still meet all NEPA requirements. The result: while most major program EIS documents take two years or more to complete, the Cannon EIS was completed in less than one year, a remarkable savings. On 1 October

2007, Cannon was transferred to AFSOC and designated as its newest wing, the 27th Special Operations Wing.

In terms of dollars, the accelerated completion of the EIS also meant beddown projects could be resourced against Fiscal Year 2007 funding. Within weeks, AFSOC attorneys helped to expedite over \$24 million in contracting actions for specific beddown enhancements at Cannon AFB. Their expertise was required to sort through not only contracting challenges presented by the short turn cycle but fiscal law issues in sorting out proper use of two separate funding streams, SOF-specific and Air Force “blue.” AFSOC attorneys also worked military and civilian personnel issues, real property transfers, range usage, command and control structure, and a myriad of ethical issues related to the transfer. The transfer of military justice responsibilities for the base from Air Combat Command (ACC) to AFSOC was seamless with no lapse in authority due to a comprehensive transition plan.

Along with the stand-up of the new wing, special operations continued on a glide path of increased pace and scope. Air Force special operators now have in their arsenal the MQ-1 Predator remotely piloted aircraft to keep an eye on the enemy. To meet exigent SOF needs, programming was approved to provide SOF with Predator combat air patrols. To make that a reality, the Commander, USSOCOM, requested a transfer of existing Predator resources from ACC to AFSOC. AFSOC JAGs were instrumental in developing a phased plan to field a special

*Maj Mark Allen, AFSOC/JA, deployed to Balad, Iraq*



## MAJOR COMMAND LEGAL OFFICES

ops Predator force structure as quickly as possible. Development required negotiated agreements on personnel, equipment, funding, and command relationships along with complex contracting actions for support elements. As a result, AFSOC now has an unprecedented capability for surveillance, reconnaissance, and intelligence.

Special operations group judge advocates in Japan and the United Kingdom continued to prove their worth to SOF operators. Their reviews assisted commanders on a far-ranging slate of issues from assessing the impact of foreign court decisions on the presence

and status of U.S. forces in the Philippines to questions about funding and time limitations on subject matter expert exchange programs conducted in Norway. Their expertise was vital in planning joint and coalition exercises as well as contingency taskings in support of the Global War on Terror.

Along with the ever-increasing operational pace of an expanding command, the “routine” work of being the only major command with direct general court-martial jurisdiction continued unabated along with the other responsibilities normally performed at a major command. As a measure of

those functions, in September 2007, the Air Force Inspection Agency conducted a compliance inspection of Headquarters AFSOC. Inspectors assessed compliance in nine areas, one of which was legal. AFSOC/JA scored a remarkable 98 percent compliance without comments and was rated as “Outstanding.”

AFSOC sponsored the First Annual Gulf Coast Bar Association sports day with over 72 attendees from four different bases across the region. The friendly (and intense!) competition proved to be a great opportunity to get together with members from across the JAG Family.

# AIR MOBILITY COMMAND

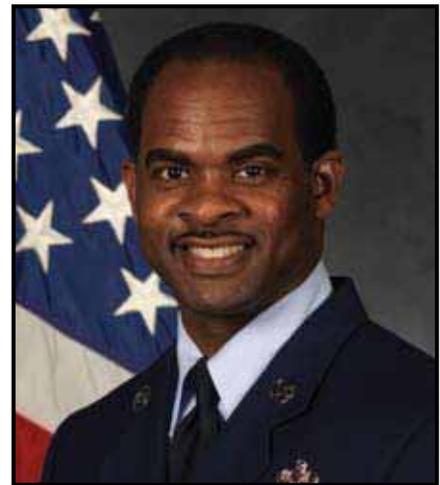


**BRIG GEN  
STEVEN J. LEPPER  
STAFF JUDGE ADVOCATE**

As the workhorse of the Air Force's contribution to Operations IRAQI FREEDOM and ENDURING FREEDOM, Air Mobility Command (AMC) has been extremely busy providing global mobility—airlift, air refueling, and aeromedical evacuation—to



our deployed forces. With AMC's aircraft sortie rate at an astounding one per every 90 seconds, 24 hours a day, seven days a week, 365 days a year, the command's unprecedented operations tempo has generated unique challenges for all Airmen, including AMC legal professionals. 2007 was a year in which all AMC judge advocates, paralegals, and civilian personnel stepped up to the



**CMSGT  
JEFFREY A. WILLIAMS  
COMMAND PARALEGAL  
MANAGER**

challenges of supporting Airmen and their families, units, and bases throughout the world. This snapshot of the AMC legal office depicts a globally-focused legal team fully engaged in providing outstanding legal support.

# SPOTLIGHT ON... THE USAF EXPEDITIONARY CENTER

The Global War on Terror has increased demands on the military and has redefined the role of the U.S. Air Force. No longer are Airmen being sent to deployed locations out from harm's way. Airmen today are consistently filling positions once held by the Army, taking them "outside the wire" where they are faced with new and dangerous challenges. No careerfieldis exempt, and judge advocates and paralegals are deploying to dangerous areas in Iraq and Afghanistan in support of Operation IRAQI FREEDOM and Operation ENDURING FREEDOM. The problem: how do we prepare Airmen to deal with potential combat situations they may face while fulfilling these new obligations?

The solution: The USAF Expeditionary Center (EC) at Fort Dix, New Jersey. The cadre at the EC prepares



*TSgt Vershay and Capt Caliendo*

functions. Courses offered are expanding to meet the changing demands of missions in the theaters of operation.

The two-person EC legal team, made up of Captain Paolino Caliendo and Technical Sergeant Keith Vershay, who both joined the office in 2007, plays key roles in each EC course. As cadre, they train Airmen in

classroom settings on rules of engagement/rules on the use of force, law of armed conflict, contracting and fiscal law, military justice, foreign claims, and more. They also get their uniforms dirty training students in weapons and tactics in the field.



students from all career fields in courses ranging from the bare base build-up concepts of EAGLE FLAG to the just-in-time combat skills training of advanced contingency skills training (ACST). In addition, the EC trains specialty functions, such as security forces, contingency response groups, and logisticians, in advanced courses on specific deployed-environment



In addition, the EC legal office, with the assistance of guest instructors, train deploying legal personnel through ACST JA-functional training, which is tailored to provide additional weapons familiarization, training in deployed legal concepts, and an enhanced understanding of the rules of engagement and escalation of force concepts. This training provides students with legal instruction and an understanding of their clients' warrior ethos, but more importantly, it develops combat skills that may save lives in a hostile situation. During 2007, the EC legal team instructed over 3000 students, including more than 150 JAGs and paralegals who went on to successful deployments.

## MAJOR COMMAND LEGAL OFFICES

In addition to their training workload, the EC legal office also manages traditional legal issues for the center, advising the EC Commander, Major General Kip Self, on EC-specific legal issues as well as providing legal support typical to a base-level legal office for the center's commanders, staff, and Airmen.

More information about the USAF EC is available at <https://www.usafec.af.mil/>.



Leadership is about setting goals and standards of excellence and ensuring they are achieved. AMC/JA focused on leadership in 2007 as the office concentrated on maximizing its impact on the AMC staff, AMC global mobility operations, and missions of the AMC wings, to include the Pacific, European, and Middle Eastern theater enroute systems. One way in which AMC/JA made a difference is through its outreach programs. During 2007, the office made great strides in educating internal and external audiences on the legal aspects of global mobility operations. Examples include the first-ever opportunity to participate in aircraft commander training seminars at AMC Headquarters. In these seminars, AMC/JA educated new aircraft commanders on the legal duties and responsibilities they will encounter as they fly missions into countries where the United States has little to no established military presence. They presented a similar inaugural seminar on legal global mobility issues at the 2007 Airlift/Tanker Association (A/TA) Convention and Symposium in Nashville and held a conference early in 2007, at which they presented JAG Corps

and AMC updates to retired members of the Air Force legal community. Finally, in addition to continuing their presentations in forums such as the AMC Squadron Commander Course and the AMC Senior Mobility Leader Course, AMC/JA held the first-ever AMC Staff Judge Advocate (SJA)/Law Office Superintendent (LOS) Conference at which they invited SJAs and LOSs from all AMC-gained Air National Guard and Air Force Reserve wings. The three-day conference focused on common issues and challenges that arise in each component of the Total Force.

In this time of ever-tightening budgets, AMC/JA successfully obtained funding for training wing, numbered air force, and MAJCOM legal personnel. With cuts in training funding at the Air Staff, the challenge has been to maintain a robust continuing legal education program. Through a 2007 funding initiative, AMC/JA was able to fund about \$75,000 in training costs for AMC judge advocates, paralegals, and civilian staff members.

As the Air Force's transportation MAJCOM, AMC requires

substantial legal support in the area of transportation policy and execution. AMC/JA's Administrative Law Division (JAA) handled most of these day-to-day tasks. Among its successes in 2007, JAA completed a year-long analysis of AMC's involvement in the A/TA's annual convention and symposium. They were able to make significant improvements in the AMC-A/TA relationship, thereby avoiding potential perception, ethics, and policy problems in the future. Remember Keiko the Whale, one of AMC's airlift passengers a few years ago? In 2007, JAA assisted in the legal analysis of a proposal to transport Maggie the Elephant from Alaska, where the harsh climate caused numerous health issues, to an animal preserve in California. The Chief of Staff of the Air Force-approved mission was ultimately successful.

Other important JAA accomplishments include the legal work behind AMC's PHOENIX RODEO competition—an event at which international military airlift units compete across a number of core airlift competencies—AMC's implementation of the Base Realignment and Closure

Commission (BRAC) and Department of Defense joint basing decisions, numerous high-profile aviation mishaps, resumption of the anthrax vaccination program, and several new transportation policy initiatives.

The Environmental Law Division (JAV) was a key player in AMC's success in centrally managing its restoration program. This success is due in large part to the implementation of a process and model currently being emulated across the Air Force. In this process, a corporate board structure ensures all AMC wings have a stake in the outcomes of the individual restoration programs and thus a larger stake in the outcome of the entire command's restoration successes. The corporate board structure requires all wing program managers to assess the vitality of individual components of their wing's program and to recommend their approval or disapproval. This corporate board structure has led to a more efficient use of scarce Environmental Restoration Account (ERA) resources and made AMC's program more efficient because of the accountability built into the process. The consolidated Air Force ERA program has adopted the AMC model.

Another notable success was JAV's involvement in MacDill Air Force Base's restoration program. With JAV's assistance, AMC moved the program from the starting blocks to completion in a matter of months. This unprecedented result required our partnering with regulators and employing a performance based contract (PBC) for the installation's restoration program. More than twenty records of decision were

completed, and implementation of remedies at MacDill's restoration sites began in record time. The PBC vehicle at MacDill is now the model recommended for other Air Force restoration programs and is being implemented on a regional basis.

Finally, AMC/JAV also played a key role in developing the Air Force's strategy in its Federal Facilities Agreement (FFA) dispute with the Environmental Protection Agency at McGuire Air Force Base. In a nutshell, McGuire Air Force Base is one of six Air Force national priority list (NPL) sites where the Air Force has not signed FFAs with EPA as required by the Comprehensive Environmental Response, Liability, and Compensation Act. These agreements include a schedule for completion of each remedial action and arrangements for long-term operation and maintenance of the facility. The voluminous FFAs have injected far too much "red tape" into cleanups, delayed cleanups, and resulted in our spending more money with little additional return on investment. The ultimate objective of the new strategy that AMC has been advancing is to avoid, or at least minimize, this bureaucratic friction.

This was an exciting year for operations law at AMC. First, the Operations and International Law Branch moved from under the Administrative Law Division to become its own division, AMC/JAO. This reorganization was driven by a number of developments over the past two years. First, AMC's international law responsibilities have expanded significantly since the AMC/JA office split from U.S. Transportation Command in

2006. Additionally, in 2007 AMC created a new position on the commander's staff—International Relations Advisor—in order to ensure the command was properly represented in international forums. At the same time, AMC/JA began to build a global, mobility-specific international law practice, which is currently expanding to include an operations law capability at 18 AF/JA to support the AMC Tanker Airlift Control Center (TACC)—AMC's Air Operations Center.

In 2007, AMC legal personnel also became heavily involved in AMC's numerous total force initiatives (TFI). One case that achieved national attention involved the Washington Air National Guard (WA ANG) and the impact the BRAC Commission had on its air refueling mission at Fairchild Air Force Base. After BRAC directed movement of all WA ANG KC-135 aircraft to another state, the Governor of Washington filed a lawsuit in federal district court. To break the impasse, AMC/JA revised the memorandum of understanding between the WA ANG and AMC in such a way that guaranteed the ANG access to aircraft for training, airlift missions, and emergency responses. The Governor agreed with this methodology and dismissed the lawsuit. This template is now being used in other TFI cases to deal with similar problems.

One of the most significant successes in 2007 was the enhancement of combat skills training provided at AMC's USAF Expeditionary Center. Interest in this pre-deployment training increased as AMC legal professionals deployed during 2007 at unprecedented rates.

## MAJOR COMMAND LEGAL OFFICES

AMC/JA's Acquisition and Fiscal Law Division (JAQ) also encountered significant legal issues. Foremost among its 2007 achievements was its development of a command-wide policy governing official relations with government contractors. As the Air Force's MAJCOM responsible for defining airlift, air refueling, and aeromedical evacuation acquisition requirements, AMC has been in the forefront of numerous high-profile systems acquisition competitions. The primary competition—the Air Force's number one acquisition priority for 2007—has been the KC-X replacement for the aging KC-135 air refueling fleet. JAQ's involvement in that process has been significant, and much of

what they learned as a result of their contact with the competing defense contractors helped define how AMC should interact with contractors in the future.

The other half of JAQ's responsibilities, fiscal law, also increased dramatically during 2007. Unprecedented numbers of Anti-Deficiency Act investigations and violations occupied at least half of this two-attorney division's time and effort. Additionally, JAQ was heavily involved in management of a unique source of funding, the Transportation Working Capital Fund. Contract fraud investigations involving major defense contractors for programs in which AMC was the primary customer also increased

in 2007. Many remain unresolved. One major investigation, involving fraudulent billing by National Air Cargo, a U.S. freight forwarding company, resulted in a criminal conviction. JAQ's work on this case with the Department of Justice over several years was instrumental in resolving it in favor of the government.

AMC's vision is to provide mobility precision and velocity. AMC/JA enables both objectives by providing on-time, on-target legal advice for global mobility forces and their "customers." The AMC/JA team is proud of its role in this important mission and encourages everyone to learn more about it by visiting <http://www.amc.af.mil/>.

## PACIFIC AIR FORCES



**COL EDMUND S. BLOOM**  
**STAFF JUDGE ADVOCATE**

The Pacific Air Forces legal office (PACAF/JA) is located on Hickam Air Force Base, Hawaii. PACAF/JA provides general counsel and advice to the Commander of the Pacific Forces (COMPACAF), eighteen Headquarter Staff Directors, and fourteen subordinate



numbered air force (NAF) and wing legal offices. Each of the four numbered air forces in PACAF has a vital mission unique to the country or part of the United States from which it operates. The Pacific Theater is the largest and most diverse in the world. It contains 105 million square miles, sixteen time zones, and 60 percent of the world's population with 43 countries and



**CMSGT ANN D. STOCKS**  
**COMMAND PARALEGAL  
MANAGER**

over 1000 languages and dialects. It includes China, a rising military superpower, and North Korea, an unpredictable regional threat. The PACAF mission is to provide Pacific Command (PACOM) integrated expeditionary Air

Force capabilities to defend the homeland, promote stability, dissuade or deter aggression, and swiftly defeat enemies.

During 2007, the International and Operations Law Division oversaw the successful deployment of over twenty judge advocates and paralegals supporting Central Command in Operation IRAQI FREEDOM and Operation ENDURING FREEDOM-Afghanistan, supporting PACOM in Operation ENDURING FREEDOM-Philippines, and to the Office for the Administrative Review of the Detention of Enemy Combatants in Washington D.C.

To prepare for these deployments, each year PACAF hosts the Pacific Joint Operations Law Exercises (PACJOLE) at the Army's Pohakuloa Training Area on the island of Hawaii. The objective of this exercise is to provide realistic deployment training and experience in an austere environment. Although the primary audience is PACAF judge advocates and paralegals scheduled for deployment, the exercise has been opened to other

major commands, the reserve components, other services, and international students.

In 2007, PACAF hosted two PACJOLE exercises. In conjunction with the PACJOLE held in March 2007, PACAF/JA hosted sixteen legal personnel from nine countries in or associated with the PACOM area of responsibility: Australia, Brunei, Canada, India, Indonesia, Mongolia, Nepal, the Philippines, and Thailand, for the first PACAF Coalition Air Operations Workshop. Initial training was on the island of Oahu where PACAF hosted the international attendees who attended two days of presentations on the air operation center concept, command and control in coalition operations, detainee operations, use of non-lethal weapons, disaster relief, use of civilians on the battlefield, non-governmental organizations, and rules of engagement in multilateral operations. High points included an impressive luncheon presentation by Lieutenant General Loyd Utterback, the Thirteenth Air Force Commander, on "The Commander's Perspective on Lawyers in Coalition Operations" and a luau at the Hale Koa military hotel in Waikiki.

The international participants then flew from Oahu to the island of Hawaii where they joined 26 USAF judge advocates and paralegals and one Army judge advocate at the Pohakuloa Training Area for PACJOLE. The international and U.S. teams went through three and a half days of exposure to potential deployment legal issues that included lectures, field scenarios, and simulated briefings to wing commanders. The U.S. teams then

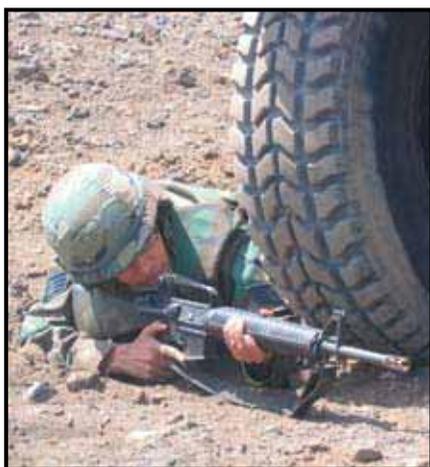
spent an additional three days at the Pohakuloa Training Area for intensive combat skills training.

In December 2007, PACAF/JA held another PACJOLE and trained 23 USAF judge advocates and paralegals and one Marine judge advocate. To date, PACAF has hosted students not only from the Air Force, but also from the U.S. Army, the U.S. Marines, and the armed forces of Australia, Bangladesh, Brunei, Canada, Japan, India, Indonesia, Mongolia, Nepal, the Philippines, and Thailand. In the future, PACAF will continue to offer PACJOLE in December, providing Air Force legal personnel another operational training opportunity in addition to JAG FLAG, which is offered in May.

PACAF/JA also helped craft a plan to cut through Title 10 and Title 32 issues to enable COMPACAF to bed down a Guard/active duty associate F-22 unit at Hickam Air Force Base. The office continues to be deeply involved in planning for the PACAF Global Hawk beddown, as well as the upcoming Global Hawk Capabilities Forum. The forum will include international military officers from countries throughout the PACAF area of responsibility.

PACAF/JA works closely with PACOM and the other component commands located in Hawaii to support the missions and tasks of the combatant commander. During 2007, PACAF international law attorneys have worked with PACOM or been the PACOM representative for issues as diverse as space policy talks in Australia, Antarctic support missions, nation building exchanges in

*SSgt Kimberly Lawrence at PACJOLE*



## MAJOR COMMAND LEGAL OFFICES

Nepal, sea rescue in the Southern Hemisphere of the Pacific, and hosting the Australian all-services equivalent of The Judge Advocate General, Commodore Vicki McConachie, Royal Australian Navy. They also represented the United States along with PACOM and the Department of Defense Policy Directorate in preserving the sovereignty of U.S. aircraft by resisting non-U.S. agriculture inspections of U.S. aircraft while preserving operational ability with some of our key allies in the Pacific. In the past, the United States had not vigorously defended aircraft sovereignty and risked allowing this essential right to erode. Additional activities with PACOM include support of the PACOM Military Operations and Law Conference, designed to enhance engagement with all Pacific Rim countries. An indication of the attempts to reach out to non-traditional partners can be seen from the location of the 2007 conference in Malaysia.

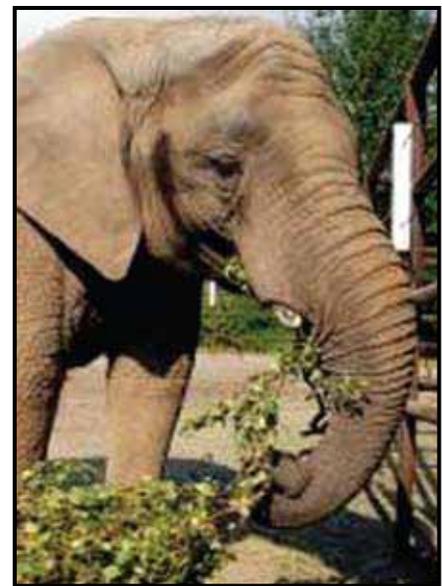
The Military Justice Division tracked and advised on over 133 special interest cases resulting in 61 total actions. Of note, there were a total of 33 special interest courts-martial and 28 special interest Article 15s, of which six were officer courts-martial and nineteen were officer Article 15s. Twelve of the special interest courts-martial were rape cases and another three were sexual assaults.

Acquisition and environmental law attorneys are also critical to success in PACAF. Similar to last year's successful beddown of F-22A at Elmendorf Air Force Base, Alaska, the proactive participation of environmental law attorneys early in the planning of the F-22A beddown

at Hickam Air Force Base, Hawaii, resulted in the signing of the National Environmental Policy Act (NEPA) environmental assessment within six months. Again, such unprecedented early completion of NEPA paved the way to another F-22A beddown in the Pacific theater. Environmental law attorney activity in Alaska also facilitated the conversion of Eielson Air Force Base to a remote, less hospitable version of Nellis Air Force Base as host of the new Red Flag-Alaska exercises, designed to better test the long range capability of our fifth generation aircraft. Acquisition attorneys were key in the creation of this new Air Force capability through obtaining Congressional authorization to utilize operation and maintenance (O&M) funds to convert a maintenance hanger at Eielson Air Force Base to command and control facilities in support of the Red Flag-Alaska exercises. They were instrumental as well in obtaining Congressional authorization to utilize O&M funding to complete the remaining phases of the Hickam Air Force Base electrical system upgrade project, a badly needed upgrade. Housing privatization initiatives at Elmendorf Air Force Base and Hickam Air Force Base were two other success stories.

In November 2007, Operation MAGGIE MIGRATION became a reality when the Secretary of the Air Force (SecAF) authorized the military airlift of Maggie the elephant from Elmendorf Air Force Base to an animal sanctuary near San Andreas, California. Maggie, the only elephant in Alaska, was

suffering from health problems, and the only aircraft capable of transporting her and her crate was the Air Force's C-17. After receiving assurances from the Performing Animal Welfare Society that the cost of the airlift would be reimbursed, SecAF authorized the operation. The last time a military aircraft carried such unusual cargo was in 1998, when Keiko the killer whale (of "Free Willy" fame) was transported from McChord Air Force Base to Iceland aboard a C-17. While not a strict military mission, Operation MAGGIE MIGRATION was completed at no cost to the Air Force and proved once again the Air Force "get the job done." The mission also gained support for the Air Force from sectors of the public that do not usually praise the military.



*Maggie at her new sanctuary*

PACAF continues to grow in importance in the overall national security strategy and PACAF/JA remains a vital part of the command's contribution to national defense.

# UNITED STATES AIR FORCES IN EUROPE



**COL DANIEL B. FINCHER**  
**STAFF JUDGE ADVOCATE**

The U.S. Air Forces in Europe legal office (USAFE/JA) is located on Ramstein Air Base, Germany. As the legal office to the air component for two unified commands, U.S. European Command and U.S. Africa Command, USAFE/JA supports forces across a massive 92-country area of operations. During 2007, USAFE re-activated Third Air Force at Ramstein Air Base, resulting in many USAFE/JA positions being transferred to the numbered air force (NAF) legal office. With its remaining staff of 13 personnel, USAFE/JA still retains its administrative and international law missions as well as general oversight in all areas, whereas most operational and military justice matters are handled by 3 AF/JA.

The International Law Division (JAI) participated in negotiations for the creation, legal status, and beddown of a 17-nation C-17 consortium at Papa Air Base,



Hungary. JAI supported USAFE expansion with advice on status and basing issues involving USAFE forces in Romania, Bulgaria, the Czech Republic, Poland, and Tunisia. Our international lawyers also helped negotiate technical agreements implementing the United States/Italy Shell Agreement for San Vito and Aviano and sister service installations at Vicenza, Naples, and Camp Darby.

Attorneys from the Administrative Law Division provided critical support to several general officers and other personnel to ensure understanding of and compliance with various ethics issues, such as financial disclosures, official travel, fiscal law, and gifts. With the assistance of 3 AF/JA staff, USAFE/JA convened two non-fatality aircraft investigation boards, one in Germany and one in Italy, which were the first for the command in several years.

During 2007, USAFE/JA played an integral role with the 603d Air and Space Operations Legal Advisor



**CMSGT RONNELL A. HORNER**  
**COMMAND PARALEGAL  
MANAGER**

in developing rules of engagement (ROE) and negotiating bilateral agreements to support combat air patrol missions in Europe to protect against renegade aircraft threats. The staff judge advocate deployed to Riga, Latvia as the legal advisor to the USAFE Commander, who served as the task force commander responsible for combat air patrols protecting all 26 North Atlantic Treaty Organization (NATO) heads of state from renegade aircraft threats at the Riga NATO Summit. Prior to President Bush's historic visit to Albania, USAFE/JA and 603 AOC/JA again negotiated applicable agreements and developed ROE to ensure the success of the USAFE-led air policing mission.

USAFE undertook seventeen reserve officer reattachment actions in 2007 as a result of the USAFE reorganization. These reattachments

## NUMBERED AIR FORCE LEGAL OFFICES

resulted in more reservists being attached to wing level offices where there was an identified need for more reserve support. By the end

of 2007, USAFE had 26 reserve judge advocates and eight reserve paralegals. These reservists served approximately 1725 man-days

in a variety of positions while backfilling for deployed active duty personnel at the wing, NAF, and major command levels.

# NUMBERED AIR FORCE LEGAL OFFICES

## NAF LEGAL OFFICE LEADERSHIP

### **FIRST AIR FORCE/AFNORTH (ACC) TYNDALL AFB, FL**

*Lt Col Robin P. Kimmelman, MSgt Barbara E. Terry*

### **SECOND AIR FORCE (AETC) KEESLER AFB, MS**

*Col Felix A. Losco, SMSgt Thomas D. Clarke*

### **THIRD AIR FORCE (USAFE) RAMSTEIN AB, GERMANY**

*Col William W. Pischnotte, SMSgt Christine M. Treat*

### **THIRD AIR FORCE – UNITED KINGDOM (USAFE) RAF MILDENHALL, UNITED KINGDOM**

*Col Dean C. Rodgers, TSgt Aimee J. Schlenker*

### **FOURTH AIR FORCE (AFRC) MARCH ARB, CA**

*Col Samuel C. Mullin, SMSgt Magda V. Morrison*

### **FIFTH AIR FORCE (PACAF) YOKOTA AB, JAPAN**

*Col Daniel E. Rogers, SMSgt Mary E. Gowin*

### **SEVENTH AIR FORCE (PACAF) OSAN AB, KOREA**

*Col Thomas J. Hasty, MSgt Antone C. Wilson*

### **EIGHTH AIR FORCE (ACC) BARKSDALE AFB, LA**

*Col Paul M. Barzler, SMSgt Lee A. Upright*

### **NINTH AIR FORCE/USCENTAF (ACC) SHAW AFB, SC**

*Col Larry D. Youngner, SMSgt Robert J. Hudson*

### **TENTH AIR FORCE (AFRC) NAS JOINT RESERVE BASE FORT WORTH, TX**

*Col Russell A. Friemel, CMSgt Evelyn A. Mickles*

### **ELEVENTH AIR FORCE (PACAF) ELMENDORF AFB, AK**

*Col Eric N. Eklund, SMSgt Anita F. Easter*

### **TWELFTH AIR FORCE (ACC) DAVIS-MONTHAN AFB, AZ**

*Col Amy M. Bechtold, CMSgt Maureen A. Lowe*

### **THIRTEENTH AIR FORCE (PACAF) HICKAM AFB, HI**

*Col Albert W. Klein, MSgt Bryan F. Carwey*

### **FOURTEENTH AIR FORCE (AFSPC) VANDENBERG AFB, CA**

*Col Ralph A. Bauer, SMSgt Steven J. Fitzgerald*

### **EIGHTEENTH AIR FORCE (AMC) SCOTT AFB, IL**

*Col Craig A. Smith, SMSgt Jose A. Mercado, Jr.*

### **NINETEENTH AIR FORCE (AETC) RANDOLPH AFB, TX**

*Col Paul E. Pirog, SMSgt Janice E. Maupin-Anderson*

### **TWENTIETH AIR FORCE (AFSPC) F.E. WARREN AFB, WY**

*Col Ronald A. Rodgers, SMSgt John P. Vassallo*

### **TWENTY-SECOND AIR FORCE (AFRC) DOBBINS ARB, GA**

*Col Theresa A. Negron, CMSgt Howard C. Lee*

With a staff of experienced and capable personnel, numbered air force (NAF) legal offices advise and assist NAF commanders and their staffs located across the globe on a wide variety of legal issues. Much of this advice is necessarily concerned with the administration of the military justice system since the majority of NAF commanders also serve as general court-martial convening authorities. In addition to military justice, however, NAF staff judge advocates and their staffs provide critical advice on matters such as environmental law, labor law, international law, civil law, and contract law—not only to the NAF personnel, but also to the base legal offices aligned beneath them.

A sample of the important 2007 accomplishments from representative NAF legal offices includes:

### **3 AF/JA (USAFE) RAMSTEIN AB, GERMANY**

On 1 December 2006, Third Air Force officially stood up as the numbered air force (NAF) and general court-martial convening authority for U.S. Air Forces in Europe (USAFE). With this stand-up, 3 AF/JA took over responsibility of all military justice, civil, and administrative law support for the NAF and continued to provide support to USAFE/JA. The Civil Law Division (JAC) provided ethics guidance, reviewing questions related to gifts to and from foreign dignitaries, travel on military air, and spouse travel. Additionally, JAC organized and hosted an inaugural USAFE/3 AF Ethics Training for base-level ethics advisors with a guest speaker from the Department of Defense Standards of Conduct Office.

The International Law Division (JAI) supported 3 AF and the 603d Air Operations Center in the planning and execution of numerous operations and exercises throughout the U.S. European Command (USEUCOM) area of responsibility (AOR) in 2007, including the American Mission in Sudan; North Atlantic Treaty Organization Baltic Air Policing; space shuttle support missions; ordered departure evacuation in Guinea; Georgia Sustainment and Stability Operations; Operation Enduring Freedom – Trans-Sahel; avian influenza/pandemic influenza planning; and support to President Bush's European visit. They also played a

key role in Flexible Leader 07, which certified 3 AF as a joint task force-ready headquarters by the Commander, USEUCOM. JAI also supported Flexible Response 08, an exercise that trained Headquarters USEUCOM and service component staffs to conduct foreign consequence management in the USEUCOM AOR.

JAI provided legal advice to 3 AF supporting the development of a new air component to U.S. Africa Command (USAFRICOM). 3 AF/JA continues to provide operational level legal support through air component command channels to USAFRICOM, which stood up initially on 1 October 2007 as a sub-unified command to USEUCOM. 3 AF/JA will continue to perform these duties until a new air component is activated. Finally, 3 AF/JA supported the Global War on Terror by managing a heavy command deployment schedule.

Third Air Force's military justice (JAM) division was extremely busy in 2007, processing 574 Article 15s and 84 courts-martial. One high-visibility court they processed was U.S. v. Hill, a capital murder case in which an Airman was acquitted of the premeditated murder of a fellow Airman at Naval Air Station Keflavik, but convicted of absent without official leave, false official statement, larceny, and wrongful appropriation. Despite the challenge of a case being investigated, tried and administrated in the United States, Germany, and Iceland, JAM attorneys and paralegals worked diligently to ensure timely support.

In addition to the normal justice workload, JAM also emphasized training as a key responsibility for all command military justice divisions. JAM attorneys and paralegals hosted the Military Justice Administration Training (MJAT) conference in October 2007 for all USAFE chiefs of military justice and paralegals. This rigorous training detailed the administration of courts-martial and proper processing of Article 15s and other administrative actions. It was well-attended and received strong critiques from conference attendees and has become an annual event.

*Leadership qualities never vary. Only their application changes with the times. A successful leader adapts to new or changing situations.*

– Col Everett G. Hopson, USAF (Ret.)

# THE JAG CORPS SUPPORTS PRESIDENTIAL VISIT TO ALBANIA

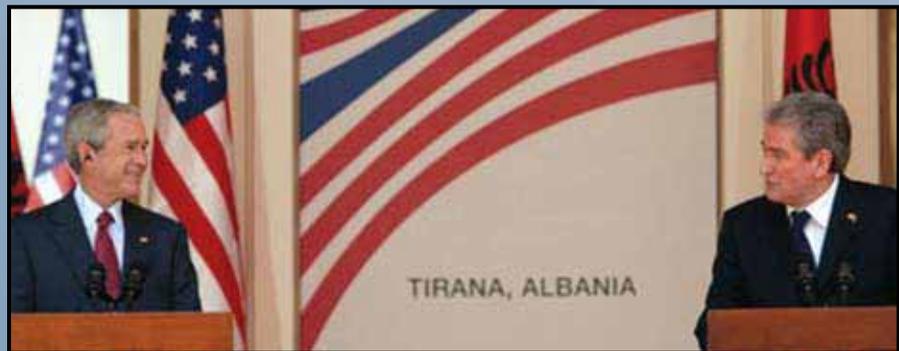
As President Bush made his historic visit to Tirana, Albania, on 10 June 2007, Major Charlotte Liegl-Paul, 603d Air and Space Operations Center (AOC), and Colonel Dan Fincher, Headquarters U.S. Air Forces in Europe (USAFE), worked in the command center on Ramstein Air Base, Germany, to help guard the skies above the President. With just 30 days notice, the Third Air Force (3 AF) Operational Planning Team built an air-policing mission that included 43 planes, a Navy amphibious ship with several thousand Marines, and more than 800 Airmen from bases across Europe.

Maj Liegl-Paul was an integral member of USAFE's planning team for the President's first-ever visit to Albania, and she was selected by the Commander, USAFE (COMUSAFE), as an international legal advisor. Maj Liegl-Paul attended daily planning meetings, providing legal advice and input to the air operations plan and proposing supplemental rules of engagement for the mission.

Maj Liegl-Paul also traveled with the advance team to Tirana, Albania, where she accompanied Brigadier General William Uhle, 3 AF Vice Commander, at a meeting with the Albanian Joint Forces Commander to discuss U.S. requirements and Albania's needs. When she determined that Albanian law did not allow for all aspects of the U.S. military mission, Maj Liegl-Paul met with the Republic of Albania Ministry of Defense Legal

Department to consider changes to Albanian legislation that would accommodate U.S. requirements. Less than two weeks later, the Albanian parliament passed the law necessary for U.S. support to the President's protection plan.

Joint Forces Commander sitting next to COMUSAFE, the U.S. Secret Service, Col Fincher and Maj Liegl-Paul, and a host of support personnel. The 603 AOC coordinated air policing efforts of the 3 AF A-staff,



*President Bush's first-ever visit to Albania (White House photo by Chris Greenberg)*

While Maj Liegl-Paul worked with Albanian legal counterparts, the 3 AF and USAFE legal staffs advised Ramstein-based planners in formulating the operational-level details for the mission. Lieutenant Colonel Carol Hubbard, Major Eric Werner, and Major Robert Cottrell drafted supplemental rules of engagement and a bilateral agreement outlining the scope of defense assistance between the two countries for the event. The agreement, structured as a diplomatic note, was then reviewed by European Command (USEUCOM), the Office of the Secretary of Defense, and the Department of State, resulting in a formal agreement that authorized the mission.

On the day of the President's visit, the 603 AOC provided command and control for the mission, with the Albanian

USAFE flying wings, AWACS aircraft from Tinker Air Force Base, the USS Bataan, and U.S. Army helicopters, providing senior leadership with an accurate air picture and immediate ability to direct assets.

While the President's trip was a historic first, the mission was all in a day's work for the 603 AOC and the USAFE legal team. The 603 AOC provides USEUCOM and COMUSAFE with a combat-ready, tailorable, and deployable air and space operations center. On 1 September 2007, the legal advisor position moved permanently to the 603 AOC, and Maj Liegl-Paul works closely with each of the five AOC divisions: Strategy; Combat Operations; Combat Plans; Intelligence, Surveillance, and Reconnaissance; and Air Mobility to support operations throughout the European theater.

## 8 AF/JA (ACC) BARKSDALE AFB, LA

In November 2006, Secretary of the Air Force Michael W. Wynne tasked the Commander of “The Mighty Eighth” to lead the Air Force effort to extend global reach and global power into cyberspace—the domain of electronics and the electromagnetic spectrum. In September 2007, Secretary Wynne announced the activation of a provisional major command (MAJCOM) at Barksdale Air Force Base. After these two momentous announcements, 8 AF/JA expanded the breadth of its legal support to Lieutenant General Robert J. Elder, 8th Air Force Commander (8 AF/CC) and Major General William T. Lord, Air Force Cyber Command (Provisional) Commander (AFCYBER (P)/CC). In addition to the traditional practice areas such as military justice and civil law, 8 AF judge advocates also provide legal advice to 8 AF organizations on cutting-edge issues of cyber law and Air Force operations in cyberspace as well as the full range of organizational issues inherent in the stand-up of a new permanent MAJCOM by AFCYBER (P).

In addition to leading the Air Force charge in the cyber domain, 8 AF/CC is United States Strategic Command’s (USSTRATCOM) Joint Force Component Commander for Global Strike and Integration (JFCC-GSI). He is responsible for USSTRATCOM’s GSI Air Operations Center (AOC) and Task Force 204, which manages 8 AF nuclear bomber and reconnaissance forces.

8 AF/CC is also the Air Force component commander supporting JFCC-Network Warfare (JFCC-NW) and the Joint Task Force for Global Network Operations (JTF-GNO) with the Air Force Network Operations Center and 67th Network Warfare Wing. To assist 8 AF/CC with his many roles and their accompanying responsibilities, 8 AF/JA provides a full-time cyber law judge advocate and two operations law judge advocates, including a judge advocate dedicated to supporting the AOC, which runs 24 hours a day, seven days a week. In the cyber arena, 8 AF judge advocates are working a broad spectrum of issues including interpretation of the legal regimes we operate under



when defending our networks, negotiations with our partners in the defense industrial base to secure sensitive but unclassified information on contractors’ networks, and emerging ROE and authority issues for developing AOC cyber operations.

In 2007, 8 AF/JA staff displayed the depth and breadth of knowledge that make JAG Corps members so vital to Air Force commanders worldwide. In January, one of our attorneys participated in EAGLE FLAG as the headquarters judge advocate. An 8 AF judge advocate spent the month of July advising an accident investigation board examining the mid-air collision of an F-15 and an F-16. In August, an 8 AF judge advocate deployed to serve as an air expeditionary wing staff judge advocate. Finally, the 8 AF Deputy Staff Judge Advocate spent six weeks as the sole legal advisor to a two-star investigating officer conducting a commander-directed investigation involving an unauthorized transfer of nuclear munitions that made national news headlines.

8 AF/JA also assisted with the transformation of Air Combat Command’s Air Intelligence Agency (AIA) into the Air Force Intelligence, Surveillance, and Reconnaissance Agency (AFISRA). The transformation included moving the Air Force Information Operations Center at Lackland Air Force Base from AIA to 8 AF with its specialized legal support provided by the 67th Network Warfare Wing, and transferring general court-martial convening authority for the 70th Intelligence Wing at Ft Mead from 8 AF/CC to the Commander, Air Force District of Washington.

Meanwhile, 8 AF/CC continued to serve as general court-martial convening authority and separation authority on certain discharges for five main operating bases. For the twenty-third year, 8 AF/JA conducted the Article 32 Investigating Officer Workshop for an audience of active duty, reserve, and guard judge advocates. Back by popular demand, the Military Justice section took its show on the road, visiting six wing legal offices and training judge advocates, paralegals and court reporters on the intricacies of military justice administration with the Military Justice Workshop. During 2007, 8 AF completed 57 courts-martial, approximately seven percent of the Air Force total, and processed 638 Article 15 actions, approximately nine percent of the Air Force total.

## NUMBERED AIR FORCE LEGAL OFFICES

### 9 AF-USCENTAF/JA (ACC) SHAW AFB, SC

For 2007, the Office of the Staff Judge Advocate, Ninth Air Force/U.S. Central Command Air Forces (USCENTAF) provided precision counsel to the dual-hatted 9 AF/USCENTAF commander on all legal issues to include military justice, command relationships, ethics, international, operations, civil, labor, environmental, and procurement law. The office developed operations law plans, policies, and procedures for over 25,000 Airmen in the U.S. Central Command (USCENTCOM) area of responsibility (AOR) and supervised legal services provided to the Combined Air Operations Center, four bases in the continental United States and thirteen bases in the USCENTCOM AOR, six of which had air expeditionary wing (AEW) legal offices. The office trained and advised on the effective use of over 280 Total Force JAG Corps personnel.



*Col Youngner and members of the Al Udeid legal office*

USCENTAF/JA advised Commander, USCENTAF (USCENTAF/CC) on all legal matters impacting three major operations—Operation ENDURING FREEDOM (OEF), Operation IRAQI FREEDOM (OIF), and Joint Task Force Horn of Africa. In 2007, USCENTAF/CC successfully executed over 130,000 combat and combat support missions. These combat operations included 3905 close air support missions in support of troops engaged in hostilities and 38,995 airlift sorties that moved 869,926 personnel and delivered 165,097 tons of supplies. This past year, USCENTAF's deployed

Airmen enabled direct action neutralizing 115 terrorist leaders, destroying 3500 ammo caches, 90 safe houses, and capturing over 700 terrorist forces in OEF and OIF.

A key to USCENTAF's success in 2007 was the clear delineation, understanding, and implementation of command and control authority over Airmen deployed in the USCENTCOM AOR. In that regard, USCENTAF/JA ensured that USCENTAF/CC retained and exercised his command and control authority over all Airmen deployed to the USCENTCOM AOR, including those deployed in support of other services or missions. This ensured that Airmen were exercising disciplinary control of Airmen. In that regard, USCENTAF/JA trained over sixty legal professionals and over fifty commanders on command and control authority, rules of engagement, and discipline.

Another success story in OEF and OIF was the development of the Afghanistan National Army Air Corps and the Iraqi Air Forces. USCENTAF/JA worked side-by-side with other USCENTAF personnel in creating two air forces, from developing the concept of operations to execution that led to the establishment of sustainable security and airlift operations.

Contingency contracting and fiscal law remained an active area of law for USCENTAF/JA. In 2007, USCENTAF/JA and deployed judge advocates advised on over 25,000 contracts in support of OEF and OIF in ten countries totaling over \$600 million. Legal expertise saved \$40 million at a single AOR location and ensured the judicious and appropriate use of \$2.76 billion in Global War on Terror funds. USCENTAF/JA served as the legal advisor to the Air Force's largest War Readiness Material (WRM) program—45 percent of the AF's entire WRM program with \$5.1 billion in assets and \$500 million in support contracts. The WRM program served a critical role, providing logistical support to deployed Airmen throughout the USCENTCOM AOR.

Finally, the military justice attorneys and paralegals from USCENTAF/JA oversaw the busiest year in USCENTAF history. Total Article 15 actions in the AOR exceeded 450 at the six AEW legal offices. The AEWs convened over 15 courts-martial. To support deployed Airmen and commanders, an area defense counsel (ADC) office at Al Udeid Air Base,

Qatar, has a one-year deployed ADC and a defense paralegal. CENTAF/CC and The Judge Advocate General have agreed to a second one-year ADC position in the AOR for Fiscal Year 2008. Deployed judge advocates and paralegals in the USCENTCOM AOR supported deployed commanders with timely, accurate, and on-target military justice advice that supported commanders' maintenance of good order and discipline necessary to successfully prosecute OEF, OIF, and HOA missions.

9 AF/JA continued to provide leadership, oversight, and training to its four wing legal offices—Langley, Moody, Shaw, and Seymour Johnson. In the military justice arena, 9 AF legal offices made tremendous improvements in their administration of military justice. Completing over 60 courts-martial, in 2007, 9 AF offices improved the number of general courts-martial completed to action within 160 days to 78 percent (from 67 percent in 2006) and reduced the average days to action to 138 days (from 151 days in 2006). Similarly, the number of special courts-martial completed to action increased to 100 percent (from 83 percent in 2006) and reduced the average days to action to 48 (from 64 days in 2006).

### 11 AF/JA (PACAF) ELMENDORF AFB, AK

This year was one of great change at the Eleventh Air Force Office of the Staff Judge Advocate (11 AF/JA). While 11 AF/JA continued to provide legal support to



11 AF, Alaska North American Aerospace Defense Command (NORAD) Region (ANR), Alaskan Command (ALCOM), and Northern Command (NORTHCOM) Joint Task Force Alaska (JTF-AK), they experienced a near 100 percent turnover in personnel. 11 AF/JA provided legal support for all four "hats" worn by their commander, with an authorized staff of three active duty military attorneys assigned to 11 AF, one attorney position provided by the 611th Air Support Group (611 ASG), one full-time (non-attached) Category B individual mobilization augmentee (IMA) Reserve attorney, one civilian attorney, two military paralegals, one information management specialist, and two IMA reserve attorneys.

The high operations tempo increased in 2007 as a result of exercise participation and real-world events. In addition to daily office functions, the office supported joint/combined 11 AF, ALCOM/JTF-AK, and ANR exercises, such as the national-level exercises ALASKA-SHIELD/NORTHERN EDGE and VIGILANT SHIELD, AMALGAM ARROW, FENCING SABER, AMALGAM MUTE, ARDENT SENTRY, and FENCING GAIN. Capt Collins was recognized by ALCOM Commander, Lieutenant General Douglas Fraser, as an outstanding performer during exercise ALASKA SHIELD/NORTHERN EDGE 07.

On Thanksgiving Day 2007, Lieutenant Colonel Linda Richardson had the privilege to be part of the ANR team when the F-22 Raptor, the Air Force's newest operational fighter jet, had its first encounter with Russian bombers off the coast of Alaska.

Due to an exponential increase in Russian flying activity over the past year, all military members of the legal office are called upon to support training and real-world Northern Sovereignty Operations and OPERATION NOBLE EAGLE events. Legal training provided to air operations center personnel as well as real-time support was crucial to the ANR receiving an excellent rating on their October NORAD Alert Force Evaluation inspection.

Wearing their ALCOM "hat," 11 AF/JA provided legal guidance and oversight on a myriad of issues. 2007 brought to a close Joint Task Force – Alaska Road, also known as Operation ALASKA ROAD. The project, begun in 1988, entailed building a fourteen and a half mile road through rugged terrain on Annette Island, Alaska's only federally recognized Indian reservation. When completed, the road will connect the town of Metlakatla with the new ferry boat dock on the north end of the island that will provide access across the bay to Ketchikan, Alaska's fifth-largest city.

11 AF/JA continued to support Elmendorf Air Force Base and Eielson Air Force Base in military justice. In each case, 11 AF attorneys provided direct support ranging from drafting charges to motion practice.

On the environmental law side of the house, Mr. James Klasen was the 11 AF legal expert in

## NUMBERED AIR FORCE LEGAL OFFICES

handling over 400 restoration and clean up sites in Alaska—a very daunting task he managed magnificently. Throughout 2007, Mr. Klasen reviewed numerous environmental restoration proposed plans and records of decision.

11 AF's Civil Law Division (JAC) provided 37 ethics opinions, 42 congressional inquiry legal reviews, eleven inspector general or command-directed legal reviews, and numerous other written opinions on subjects such as reports of survey, environmental compliance actions, and FOIA and Privacy Act requests. Major Jennifer Aaron provided legal oversight and guidance regarding the 3MDG-Maniilaq Association-Alaska Area Native Health Service plan for an interagency

agreement for health services to the remote villages in the Northwest Arctic Borough Region.

In support of the 611 ASG, JAC reviewed many licenses, leases, and permits for the 611 ASG sites. The division also drafted the bill of sale between the U.S. Air Force and the City of Galena for three buildings at Galena Forward Operating Location, which saved \$300,000 in demolition costs and preserved positive relations with the city.

2007 was filled with change for 11 AF/JA. The office looks forward to continued opportunities to adapt and excel, and above all, to remain proud and dedicated to the service of all 11 AF clients—no matter what “hat” the opportunity wears.

## 12 AF/JA Hosts COJUMA

All numbered air forces have a history. Twelfth Air Force (AFSOUTH)



is continuing to make history through COJUMA (Comite Juridico Militar de las Americas or the Military Legal Committee of the Americas). For the last 12 years, AFSOUTH legal professionals have led the way in international legal engagements in the Southern Command (SOUTHCOM) area of operations. The most important and effective of these legal engagements is COJUMA. COJUMA began in 1995 when AFSOUTH hosted a conference in which military lawyers from Latin America gathered to study common military legal issues facing their countries. COJUMA now meets at least annually at workshops and/or conferences and is comprised of



*COJUMA 2007 attendees*

military, civilian, and Ministry of Defense attorneys from Central America, South America, the Caribbean, and Canada. COJUMA enhances the understanding of participating countries' military-legal cultures. It also fosters mutual support for democratization efforts throughout Latin America and the Caribbean, thereby contributing to the United States' strategic interests. It has also served to generate meaningful contacts for AFSOUTH lawyers. COJUMA serves as a vehicle to

strengthen professional ties with key military legal officials in the SOUTHCOM area of operations. In addition to the projects produced by COJUMA, there are significant collateral benefits in establishing relationships which enable us to facilitate other missions. Through COJUMA contacts, AFSOUTH has been able to successfully manage legal issues associated with the President's visit to Argentina, determining local host-nation laws when a foreign claim is filed against

the Air Force, resolving foreign criminal jurisdiction issues, and other similar matters. As a result of establishing these contacts at COJUMA, we can accomplish and resolve operational and personnel issues by having access to the local legal community.

From 12 – 16 November 2007, AFSOUTH sponsored the latest COJUMA conference in Tucson, Arizona. The gathering of COJUMA representatives was a resounding success. Military and civilian lawyers from the governments of Argentina,

Bolivia, Brazil, Canada, Chile, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, and the United States participated. During the conference, the latest COJUMA project, the *Legal Manual on Military Assistance in the Event of Natural and Man-Made Disasters* was published and distributed among all the participants.

Since its creation, COJUMA has published three other legal manuals for military lawyers and commanders: *Model Code of*

*Military Justice for the Americas; Study of the Agreements of Visiting Armed Forces; and Legal Manual for Deployment in Military Operations.* The *Legal Manual for Deployment in Military Operations* was successfully tested at Maxwell Air Force Base, Alabama, under field conditions by all member countries in an operations law exercise (COJUMA FLAG) in August 2005.

COJUMA's next project is the development of a manual to establish an educational curriculum to educate military lawyers in Latin America.

## 19 AF/JA (AETC) RANDOLPH AFB, TX

The mission of Nineteenth Air Force is to train world-class aircrews and air battle managers to sustain the combat capability of the Air Force, our sister services, and our allies. The Office of the Staff Judge Advocate (19 AF/JA) supports that mission by advising the commander on a range of complex legal issues and ensuring the fair, efficient, and flawless processing of administrative and judicial actions.

In 2007, 19 AF/JA was integral to the successes within the command, overcoming significant budgetary and manning constraints. Despite a 50 percent reduction in attorney support and a 33 percent reduction in paralegal support (due to deployments), the office nonetheless provided no-gap, superb counsel to the command, thanks to the tireless efforts of its staff, fantastic reserve support, and outstanding assistance from base legal offices.

The command ensured swift justice in a number of complex courts-martial, including a senior officer fraternization case, an academic scandal involving twelve officers, and numerous sexual assault cases. Under significant media scrutiny, the Air Force demonstrated the efficiency of the military judicial



system and its commitment to due process.

One of the challenges this year was improving the flying evaluation board process. Working with the Operations Directorate, 19 AF/JA shortened unnecessary bureaucratic hurdles while ensuring that critical quality control safeguards were in place. The end result—19 AF ensures that the best trained and most qualified Airmen are provided to Air Force commanders, ensuring operational success at continental United States and deployed locations.

19 AF/JA also leveraged technological tools to improve efficiency and share information within the command. Using the “Community of Practice” construct, 19 AF/JA effectively provided key legal resources and updates to the field. Combined with future video teleconferencing capability, the command is able to share meaningful information with the field as well as facilitate cross-feed with their eight wings and twenty-one tenant units.

The dedication, professionalism, and “can do” attitude of 19 AF/JA personnel has been vital to numerous successes. 19 AF/JA personnel advanced the Air Force mission worldwide, deploying individuals to the Joint Contracting Command–Iraq/Afghanistan, Central Criminal Court of Iraq, and U.S. Naval Base Guantanamo Bay.

# BASE LEGAL OFFICES

The JAG Corps personnel assigned to base legal offices across the globe engage in an extremely diverse practice of law, providing legal services and advice to military members of all ranks, be that the newest Airman or the base commander.

The base legal office is directed by the staff judge advocate (SJA), a seasoned JAG who acts as the primary advisor to the base commander. The SJA is aided by a deputy staff judge advocate (DSJA) and the law office superintendent (LOS), most often the senior enlisted paralegal in the office, who maintains significant leadership responsibility for the paralegals in the office. Additional personnel in a base legal office include assistant staff judges advocates (ASJA), who can hold such positions as the chief of military justice, adverse actions, labor law, civil law, international law, environmental law, and preventive law and legal assistance. Most ASJAs, regardless of their primary duties, also serve as government trial counsel for courts-martial, often soon after arriving at the base office. Many ASJAs also rely heavily upon the skill of a noncommissioned officer in charge (NCOIC) of each section and their cadre of paralegals. In some offices, civilian attorneys provide necessary expertise and continuity for specialized local needs, such as labor law or environmental law. Finally, most base legal offices rely on a dedicated civilian court reporter responsible for records of trial during the many courts-martial.

While it would be nearly impossible to document all of the varied legal issues addressed by base legal offices, or to list all of the accomplishments and significant events during 2007, the following is a representative sample:

## ADMINISTRATIVE LAW

The **4th Fighter Wing** legal team, Seymour Johnson Air Force Base, North Carolina, reinvigorated the wing's demotion process, orchestrating the process for 12 members who failed to meet fitness standards and noncommissioned officers arrested for driving while intoxicated (DWI). Their effort contributed to a drastic 75 percent reduction in DWIs within a six-month period.

The legal office for the **Air Force Recruiting Service** (AFRS) provided support to 3500 personnel geographically dispersed in all 50 states, Puerto Rico, Europe, and the Pacific Rim. AFRS/JA drafted the command's policy letter allowing potential applicants to participate in physical activities led and/or organized by recruiters, boosting

their preparation for basic military training and an Air Force life style. AFRS/JA also coordinated with Secretary of the Air Force Office of the General Counsel to establish Air Force policy allowing recruiters to send unsolicited e-mails to potential applicants, saving thousands of dollars in postage.

The **Air Force Officer Accession and Training Schools** (AFOATS) legal office reviewed a mind-boggling 812 ROTC disenrollment packages, securing only the best officers for the Air Force. Because actions such as disenrollments often lead the cadets to seek further redress, AFOATS/JA also developed a unit Board of Corrections for Military Records (BCMR) tracking sheet, verifying decisions in 21 AFOATS cases and

identified numerous errors on the BCMR website. The effort was praised by the BCMR for catching the mistakes and ensured both AFOATS' and the individuals' rights were protected.

**426ABS/JA**, Stavanger, Norway, assisted a TDY Air National Guard (ANG) unit who nearly lost the life of one of its members in an off-duty accident that put the member in a coma. 426 ABS/JA served as a liaison with local police and provided assistance to the deployed commander and the ANG Bureau with a line of duty determination investigation.

After an F-16C dropped several flares igniting forest fires at the Warren Grove Bombing Range in New Jersey, the **67 NWW/JA** deployed a paralegal to perform as recorder for the

# SPOTLIGHT ON...

## AN ODC STAFF JUDGE ADVOCATE

Major Lisa Willis serves as the Staff Judge Advocate (SJA), Office of Defense Cooperation (ODC) Turkey. As the SJA, Maj Willis stated, "I serve as the legal advisor to the Chief, ODC Turkey, who is the sole point of contact for the United States on military matters with the Turkish General Staff. The primary mission of an ODC is relationship building between the host country and the United States through military-to-military interactions." In support of this mission in Turkey, Maj Willis seeks to develop and



**MAJ LISA WILLIS**  
ODC TURKEY  
ANKARA, TURKEY

expand the relationship of the United States and the Republic of Turkey through economic and defense relations, security assistance, joint defense operations, and NATO Status of Forces Agreement application.

Stationed in Turkey's capital city of Ankara, Maj Willis works closely with the Turkish General Staff, the Turkish Ministry of Foreign Affairs, the U.S. Embassy and other U.S. military forces in Turkey to interpret and coordinate activities under international and bilateral agreements that enhance cooperation between the NATO allies.

In preparation for this assignment, Maj Willis completed her international and operational law L.L.M. at the Army JAG School in Charlottesville, Virginia, in May 2007. Maj Willis' background includes previous assignments in military justice, civil and administrative law, contracts, claims, and working with other government agencies and armed services. This experience helps her meet the diverse challenges she encounters at ODC Turkey, which range from maximizing host-nation support of Air Force

regional operations to providing legal assistance to ODC personnel.

Each day, Maj Willis pounds the corridors of ODC Turkey, the U.S. Embassy, and the Turkish General Staff, to gather information and assess views, ensuring that the United States and the Republic of Turkey are in accord. The position poses diverse challenges, but, as Maj Willis said, "A long-term perspective is vital to my ability to succeed. Our success is measured by the ODC's ability to preserve the mutual interests of the United States military and its NATO ally."

accident investigation board. While assigned to the team, he coordinated the scheduling and processing of over 30 witness interviews, procured two civilian court reporters and one military court reporter, and collected and formatted over 400 pages of tabulated evidence and source-citing material to assist the board in determining the cause of the accident.

### EDUCATION AND TRAINING

During 2007, the **Electronic Systems Command** legal office, Hanscom Air Force Base, Massachusetts, has been active in training the acquisition community. They organized and presented a two-person government-industry panel discussion on protests before the Government Accountability Office and the U.S. Court of

Federal Claims at the annual National Contract Management Association (NCMA) training day, taught a government contracts basics course at the NCMA Boston Chapter's 46th Annual Workshop, spoke at a multi-agency discussion on organizational conflicts of interest at the Department of Defense Procurement Fraud Working Group, gave a presentation regarding acquisition fraud at

# THE JAG CORPS RESPONDS TO WARREN GROVE RANGE FIRE

On 15 May 2007, two F-16s training at the Warren Grove Range, New Jersey, released multiple self-protection flares below the minimum release altitude of 500 feet. Some flares contacted the range while still burning, which ignited a fire that spread rapidly out of control beyond the range. The fire ultimately consumed 18,000 acres, which included pineland forest areas. Four homes were destroyed; 17 homes suffered serious damage; hundreds of homes suffered smoke and debris damage; and five boats, three vehicles, and four trailers were destroyed. Approximately 7000 residents were evacuated from their homes, and numerous persons suffered injuries.

Members from the JAG Corps immediately sprung into action in response to the fire. The first responders on scene were Lieutenant Colonel Melinda Davis-Perritano, Captain Ryan Haslam, Technical Sergeant Angela Hill, Staff Sergeant Lindsey Wolf, and then-Airman First Class Kevin O'Brien from the McGuire Air Force Base legal office. They were quickly joined by Technical Sergeant Clyde Rolfe, Technical Sergeant Steve Morris, Technical Sergeant Andrea Evans, and Technical Sergeant Michael Jeffers from the Air Force Claims Service Center (AFCSC) Fly Away Team and Lieutenant Colonel Bruce Cox from the Tort Claims and Litigation Division (AFLOA/JACC). They opened two claims centers in the affected neighborhoods, and in the first 24 hours, the centers made \$93,000 in advance payments to eight residents in immediate need. Major Bradford Hunt and Staff Sergeant Diana Burcaw from AFLOA/JACC and Staff Sergeant Tonya Vallie from AFCSC later joined the team.

The community claims centers remained open until 22 June 2007. By the time they closed, the offices had made 32 advance payments, received 89 property damage claims, settled 23 property damage claims,



*JAG Corps claims team with residents of Warren Grove*

and paid 1776 evacuation dislocation payment claims. The claims operation relocated to McGuire Air Force Base, where the three-person claims office was joined by Staff Sergeant Anna Ayers, 177 FW/JA, New Jersey Air National Guard (NJ ANG), who served a special tour to assist with claims processing. The office continued to dedicate most of its time

to claims arising from the fire. As of December 2007, the Air Force had settled over \$4,000,000 in claims.

JAG Corps 21 reforms contributed to the overwhelming success of the claims response. Each responding group contributed unique skills to the team, which gave immediate cohesion and integration. The McGuire legal office brought an enthusiastic young claims team with an incredible attitude who were ready to make a difference in the lives of each victim. The Fly Away Team brought specialized education, training, equipment, and experience refined through a robust exercise program. AFLOA/JACC provided reachback and expertise in addition to members on the ground, which allowed those on site to immediately resolve most claims-related issues.

At the same time the claims centers opened, an accident investigation board (AIB) convened. The AIB was tasked to determine the cause of the fire, gather and safeguard evidence, and produce a publicly releasable report. Major Catherine Fahling, 12 AF/JA, served as the board's legal advisor and Technical Sergeant Charles McQueen, 67 NWW/JA, served as the recorder.

The AIB team faced many unusual challenges. First, the AIB was convened before a safety investigation board (SIB) conducted an investigation. Consequently, the AIB did not have the benefit of receiving evidence already accumulated by an SIB and started its investigation from scratch. Additionally, the military

members involved in the incident were members of the NJ ANG. New Jersey has no state code of military justice, so the legal advisor and recorder researched state law to facilitate the advisement of rights to the ANG members, as necessary. The scope of the investigation also was unusual. To get an accurate picture of what happened, the AIB interviewed local and state government personnel, which required extensive coordination with the employees' agencies and their legal departments.

The incident also generated significant public and political interest. The AIB fielded calls from local, state, and federal political offices and submitted weekly updates to higher headquarters. After the AIB report was completed, Maj Fahling assisted the AIB president, Major General Emmett Titshaw, in preparing a briefing on the AIB's findings to Commander, Air Combat Command. She then worked closely with public affairs to prepare a presentation of the AIB's findings for victims affected by the fire, elected officials in New Jersey and Washington D.C., and the press. Members



*Warren Grove AIB team*

from the McGuire claims office escorted the victims and family members to the briefing.

Through the professionalism, dedication, and hard work of JAG Corps members, the Air Force turned an unfortunate accident into a powerful good news story and an opportunity to demonstrate our commitment to serve the public.

the Air Force Office of Special Investigations Detachment 102's annual training conference, and taught a class for integration week entitled, "International Traffic in Arms Regulation—A Government Perspective of the 800-Pound Gorilla on the Program."

Charleston Air Force Base, South Carolina, continued an "out-of-office" training program where **437 AW/JA** personnel toured other organizations on base. This allowed legal personnel to learn the wing's mission and better understand what clients deal with every day. During two such events, office members observed how the aerial port squadron delivers cargo daily to Operations IRAQI FREEDOM and ENDURING FREEDOM and how the military working dog division supports operations.

With three 3-level paralegals and one 7-level working in military justice in January 2007, the **Travis Air Force Base** legal office faced twenty pending courts and numerous open nonjudicial punishment actions (Article 15s). The Noncommissioned Officer in Charge of Military Justice developed a rigorous training plan which required personnel to report early three days a week. The trainees were eager to learn, and the team faced their training and workload challenge head on. Proudly dubbed "The Justice League," team members tried over 20 cases and processed over 85 Article 15s, ranking them first in Air Mobility Command.

**305 AMW/JA**, McGuire Air Force Base, New Jersey, hosted a highly successful military justice workshop for commanders and

first sergeants. The workshop addressed military justice issues and commander concerns in a round-table atmosphere that encouraged dialogue and interaction among participants. The workshop received extremely positive feedback and continues to reap benefits for attendees.

Lieutenant Colonel Jay Clemente, **701st Combat Operations Squadron**, March Air Force Base, California, deployed to Colombia from January to May 2007 to assist in the transformation of the Colombian military penal justice system from inquisitorial to accusatorial and to implement human rights programs. Lt Col Clemente created Colombia's first "Defense Techniques" course, a "Lessons Learned" course, and Colombia's first ethics seminar for general/flag officers.

**GENERAL LAW**

The **Space and Missile Systems Center** (SMC) legal office refused to take “no” for an answer and their advice to SMC and Air Force Space Command (AFSPC) commanders and staff directors resulted in a reversal of Air Staff housing privatization policy. A superficial statement in solicitation documents was found to be inadequate to preserve the installation commander’s authority over the base housing area once privatized. SMC legal staff and AFSPC attorneys specifically addressed the preservation of installation command authority in base housing and the protection of reversionary rights to housing at the conclusion of the 50-year lease. Without their intervention, housing privatizations would have left commander control of housing areas open to question by local courts and law enforcement agencies. Furthermore, return of the housing areas to the Air Force at the end of the lease term would also have been subject to unnecessary interpretation. Their resolutions to these issues have now been adopted for implementation throughout the Air Force.

**377 ABW/JA**, Kirtland Air Force Base, New Mexico, collaborated with attorneys for the city of Albuquerque on a memorandum of understanding to preserve wildlife habitat and facilitate wildlife movement through the Tijeras Arroyo corridor. This corridor runs from the Rio Grande through Kirtland to the Manzano and Sandia mountains. In addition to the city of Albuquerque and Kirtland, the Department of Energy also occupies a piece

of this corridor. **377 ABW/JA** ensured that the agencies involved maintained their portion of the corridor without interfering with the security of the installation.

**21 SW/JA**, Peterson Air Force Base, Colorado, played a pivotal role in the base’s expansion plans. Legal office personnel provided counsel to command on the Peterson 2050 plan, the wing’s vision for expansion and acquisition of land in the nearby area. They were an integral part in negotiations with the local airport for acquisition of six parcels of land and 750 acres of land from a local ranch.

Attorneys from the **754th Electronic Systems Group**, Maxwell Air Force Base—Gunter Annex, analyzed the terms of Oracle’s new Unlimited License, identifying key issues and opportunities. The legal team then sharpened the acquisition strategy underlying this new Air Force-wide enterprise agreement with Oracle and negotiated an agreement for the Unlimited License that also protected a \$454 million investment in previously acquired Oracle software licenses.

**460 SW/JA**, Buckley Air Force Base, Colorado, resolved eight labor law cases at a rate of four percent of the potential liability and skillfully negotiated a new union bargaining unit contract for the base.

**AFRL/RIJ**, at the Rome Research Site, New York, supported the first-ever mass patent license document for 65 patented innovations developed across the Air Force. This mass patent

license ensures that AFRL/RI and other directorates receive licensing fees that are returned to local research and development funds for future program use in addition to royalties. The office also co-developed the Special Purpose Cooperative Research and Development Agreement for software use, allowing the Air Force to license, control, and charge a fee for its use.

The labor attorneys assigned to **OC-ALC/JA**, Tinker Air Force Base, Oklahoma, recently concluded negotiations on a new labor contract with AFGE Local 916 for the base child development center (CDC). Despite years of stalled negotiations and a union demand for higher salaries, a compromise was crafted by Tinker attorneys. The major bar to agreement was the union’s proposal that would have ultimately required management to raise child care fees for Airmen. Tinker attorneys convinced the union to accept a CDC pay raise similar to General Service employees, resulting in fair salaries for CDC childcare workers with no increase in fees for Airmen.

The **Warner Robins Air Logistics Center** legal office provided legal review and counsel to a multi-discipline team of command procurement and environmental professionals that developed a ground-breaking green procurement plan. The plan implemented an extensive array of Air Force green procurement guidance as well as Executive Order 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*.

# SPOTLIGHT ON... A BASE OFFICE PARALEGAL

Being part of a homefront legal office during the Global War on Terror can be challenging. Just ask Staff Sergeant Emily Smith, the noncommissioned officer in charge (NCOIC) of general law at the 21st Space Wing legal office. This spring, she rotated into the NCOIC of claims position while her husband, a military working dog handler at the U.S. Air Force Academy, deployed for six months. On short notice, the office's law office superintendent (LOS) was selected to deploy, with a permanent change of station



**SSGT EMILY SMITH**  
**21 SW/JA**  
**PETERSON AFB, CO**

(PCS) move upon his return. With no backfill projected until two months after his PCS, SSgt Smith, as the next ranking paralegal, suddenly found herself serving as the acting LOS of the largest legal office in Air Force Space Command, supervising seven enlisted paralegals and four civilian personnel.

"I thought that this was going to be a large task, but I was ready for the challenge," said SSgt Smith. Indeed, she quickly proved she was up to the task. She expertly managed a six-figure office budget, and she secured additional funds for a new office copier. She then successfully advocated for additional

funding to purchase critical office supplies and new furniture.

Managing the office budget was only part of the job. SSgt Smith juggled work schedules for the paralegals and civilian support staff to ensure office coverage during manning shortfalls brought on by summer rotations and deployments. She resolved sensitive personnel issues with a cheerful, can-do attitude that empowered her subordinates to excel. SSgt Smith notes that she turned to lessons from *I LEAD!* for ideas on how to lead people and

teams, how to give meaningful feedback, and how to foster teamwork in the office. "Looking back," said SSgt Smith, "I learned a lot about being a supervisor. The challenge was worth the reward."

SSgt Smith joined the Air Force in September 1997 as a vehicle operator and dispatcher, and she retrained as a paralegal in January 2001. Prior to her current assignment, SSgt Smith served at legal offices at Schriever Air Force Base, Colorado, and Yongsan Army Garrison, South Korea. She has deployed four times, including once as a paralegal to Al Dhafra, United Arab Emirates.

The plan is a prototypical document that includes forms, roadmaps, and extensive links to pertinent regulations, guidance, executive orders, and other resources.

Since a 2005 fire destroyed the Officer's Club at Patrick Air Force Base, Florida, **45 SW/JA** has done monumental work preparing a

\$12 million tort case against the contractor believed to be responsible for the fire. Six attorneys, including two reserve attorneys, and two paralegals put in many hours preparing the case for litigation by the Department of Justice. Through the extensive and expert pre-litigation preparation by the entire **45 SW/JA** team, the case was ready on time for filing in federal court.

**50 SW/JA**, Schriever Air Force Base, Colorado, provided timely and accurate legal advice in support of a \$500 million network and space operations and maintenance contract, keeping this important procurement on schedule. **50 SW/JA** staff ensured both the project officer and contract officer had a direct line to the legal office to quickly and efficiently answer all

## BASE LEGAL OFFICES

legal questions. 50 SW/JA provided expert advice to the project manager, helping to accurately define the contract requirements. They also worked with the contract officer to identify organizational conflicts of interest and implement a mitigation plan. During three rounds of contract discussions, 50 SW/JA was able to provide same-day advice on all identified legal issues.

Environmental attorneys assigned to the **Aeronautical Systems Center** legal office, Wright-Patterson Air Force Base, Ohio, successfully prevented encroachment upon Wright-Patterson flight paths. A local group had requested a zoning variance to build a church close to the base. The area was zoned for agricultural use due to noise levels generated by aircraft operations at Patterson field. With only two-days notice, office attorneys drafted a response by the commander to the zoning board that convinced the board to deny the variance.

**341 SW/JA**, Malmstrom Air Force Base, Montana, displayed their expertise in responding to a major incident this year. During a practice run for the base's annual air show, one of the Canadian Snowbird planes crashed near the base's runway killing the pilot. As a result of pre-air show exercise scenarios, legal personnel were prepared for the disaster and accompanying international legal issues. They utilized NATO training to provide on-scene commander guidance concerning evidence preservation, remains identification, and appropriate actions for security forces personnel to take physical control of the crash scene.

**43 AW/JA**, Pope Air Force Base, North Carolina, assisted in the transfer of all real property containing military family housing to the Army, which allowed housing privatization initiatives to go forward in accordance with base realignment and closure requirements. Office personnel also identified jurisdictional issues caused by changes to legislation that impacted the federal statutory authority to impose traffic fines on civilians on military installations.

The project is jointly funded with Pierce County and the State of Washington, at a total shared program cost of approximately \$2.5 million. This project will allow for the purchase of lands to reduce encroachment and protect flying operations.

## LEGAL ASSISTANCE

Focusing on "customer service," the **9th Reconnaissance Wing**, Beale Air Force Base, California, became the "go-to" base in



*43 AW/JA*

**62 AW/JA**, McChord Air Force Base, Washington, played a lead role in ensuring the base obtained \$250,000 in readiness and environmental protection initiative (REPI) funding to purchase land. After convincing the Department of Defense to expand the definition of projects qualifying for such funding, 62 AW/JA wrote the justification for McChord's Fiscal Year 2008 REPI proposal, which was accepted by Headquarters Air Force as a co-number one priority REPI project for the fiscal year.

northern California for tax and legal assistance. In addition to formally expanding duty-day availability, members of the office worked countless nights and weekends, both in the office and out, to meet the needs of deploying Airmen and their families. JAGs and paralegals also reached out to a large retiree community; legal assistance teams traveled numerous times to hospitals, nursing homes, and residences to serve shut-ins and critically ill former servicemembers.

**2 BW/JA**, Barksdale Air Force Base, Louisiana, served 5800 legal assistance clients, saving them over \$1 million in legal fees and processed 3000 tax returns to the tune of \$2.4 million in refunds. Saturday wills were performed for deploying Airmen on several occasions, and 2 BW/JA attorneys and paralegals served our fellow brothers and sisters in arms by providing weekend wills and legal readiness briefings to 120 deploying Marine Corps reservists.

In October 2007, **37 TRW/JA** held the annual Retiree Appreciation Day. Breakfast was provided along with walk-in legal assistance to all retirees. This, plus a newsletter sent to 15,000 local retirees by Lackland's retiree activity office, enabled Lackland to stay in contact with local retirees and provide them with needed legal support. Once each month an office attorney visited either Air Force Village I or II to provide retirees on-site legal assistance.

The **42d Air Base Wing** legal office, Maxwell Air Force Base, Alabama, proved to be a true joint force enabler by providing mission-essential legal assistance to a local Marine reserve unit. The Marines called 42 ABW/JA one morning in May 2007, explained that their entire unit was deploying the next day, and asked if 42 ABW/JA could provide wills and POAs for their members. Over the course of two days, the Maxwell legal team executed more than 100 wills and drafted more than 100 powers of attorney for a very grateful Marine unit.

**12 FTW/JA**, Randolph Air Force Base, Texas, had a unique way of reaching out to the large retirement community in the San Antonio area. During a wing-sponsored "Retirement Appreciation Day," the entire office, including three reservists, a legal office volunteer, and the area defense counsel, all teamed up and devoted a Saturday to help. Accommodating such a large number of individuals was no small feat. To ensure "one-stop shopping," 12 FTW/JA created a "rolling" will-execution team to thoroughly and expeditiously process the wills. Feedback from the event was overwhelmingly positive.

After a **Civil Air Patrol (CAP)** aircraft accident during an Air Force Rescue Coordination Center mission, resulting in the death of all three CAP members on board, Major Derrick Sherrill, CAP Staff Judge Advocate, traveled to Colorado, Wyoming, and Michigan with the CAP General Counsel to brief the survivors on their federal benefits.

**MacDill Air Force Base's** attorneys and paralegals executed more than 1400 wills this year in a variety of venues, to include special events hosted for deploying servicemembers and local retirees. The office offered legal services at a satellite office 20 miles east of the base once a month to better serve local retirees and family members. MacDill attorneys honed their skills through in-house training and a half-day continuing legal education course on Florida law provided by the local bar association. MacDill's paralegals made "house-calls,"

traveling to local VA hospitals to provide legal services to wounded veterans. In addition to direct services, the office expanded indirect services through an extensive multimedia campaign. An updated public webpage offers self-service options to clients, and a monthly e-mail newsletter and regular articles in the base paper provide proactive guidance on a variety of common legal assistance subjects. Walk-in clients have the option of consulting the legal assistance kiosk, which has four times the number of handouts and pamphlets as it did in 2006.

Legal office personnel and volunteer assistants at **Scott Air Force Base**, Illinois, processed more state and federal tax returns than any other Air Mobility Command wing for Tax Year 2006, saving almost 3000 individual filers more than \$237,000 in filing fees, with zero tax returns being returned by the Internal Revenue Service for errors. The tax assistance team was recognized as an outstanding team during a unit compliance inspection held in September.

The **52d Fighter Wing** legal office, Spangdahlem Air Base, Germany, always looking for ways to improve their ability to provide top-notch customer service, created electronic shells for all powers of attorney (POAs), which they made available on the Air Force Portal 52 FW site. This service allows clients to decrease the amount of time they are away from their duty sections for legal assistance as the legal office is able to coordinate and finalize these POAs before the client comes in for the notary.

## BASE LEGAL OFFICES

The **39th Air Base Wing** legal office, Incirlik Air Base, Turkey, garnered an Air Force best practice for its electronic filing income tax assistance program. 39 ABW/JA joined with the Airmen and family readiness center (A&FRC) to offer free internet tax service with H&R Tax Cut through MilitaryOneSource.com. The A&FRC provided its existing space and computer bank to be used by tax filers. The program enabled Airmen to do their own tax returns with help.

## MILITARY JUSTICE

**20 FW/JA**, Shaw Air Force Base, South Carolina, completed nine general courts-martial, five special courts-martial, and six summary courts-martial. The office was hand-picked by the Ninth Air Force Commander to administer the complex court-martial of an officer who was ultimately convicted of desertion and assaulting a female Army corporal in Qatar.

*20 FW/JA*



Due to a clarification in pretrial confinement case law, **82 TRW/JA**, Sheppard Air Force Base, Texas, pursued a memorandum of agreement with Barksdale Air Force Base to allow pretrial and post-trial confinees to be held in the Barksdale military confinement facility. Previously, members were confined in the local Wichita County Jail at a cost to the Air Force of \$45.00 a day per inmate. The expected savings for the Air Force is over \$100,000.

The Military Justice Division of the **37th Training Wing**, Lackland Air Force Base, Texas, led the Air Force in the number of nonjudicial punishment actions (Article 15s) and courts-martial for 2007. The office prosecuted 37 courts-martial (general, special, and summary) and finalized 304 Article 15s.

The “Blaze Team” legal office (**14 FTW/JA**) provided superb support to the Columbus Air Force community and the command. In particular, 14 FTW/JA handled a

high-profile case involving several recruiters, securing a firm, fair result—a bad conduct discharge. The pretrial preparation was “air tight” thanks to the unmatched initiative of the paralegals. 14 FTW/JA also helped orchestrate the media response to queries from local and national news media.

The “Warriors of the North,” **319 ARW/JA**, Grand Forks Air Force Base, North Dakota, prosecuted two Airmen for attempted murder. The charges stemmed from a drive-by shooting that occurred in downtown Grand Forks on Memorial Day 2007. The victim of the shooting was also a military member assigned to Grand Forks. The driver received 17 years of confinement and a dishonorable discharge from a military judge. The shooter received 15 years of confinement and a dishonorable discharge.

**48 FW/JA**, RAF Lakenheath, United Kingdom, provided cradle-to-grave support in the wing’s efforts to investigate and prosecute a series of drug use and distribution cases. These cases were the result of a lengthy investigation that began in 2006 with a confidential source. The Office of Special Investigations (OSI) dispatched an undercover agent who posed as a dependent and collected video, audio, and physical evidence of marijuana, ecstasy, and cocaine use and distribution on RAF Lakenheath. In September 2006, OSI interviewed 14 individuals in one day and searched several locations. The legal office had an attorney on site during the interviews to observe and advise on issues, such as searches, as they arose. While the

# SPOTLIGHT ON... A “PIPELINE” PARALEGAL

Airman First Class Kristin Pratt, hailing from Noblesville, Indiana, has been on active duty since January 2006. The McConnell Air Force Base legal office in Kansas is her first assignment, and she has worked in the Military Justice section since her arrival in April 2006. As one of the new “pipeline” or non-prior service paralegals, A1C Pratt did not cross-train from another career field—her only job in the Air Force has been as a paralegal. Despite her short time in the JAG Corps, A1C Pratt has already been recognized for her hard work and professionalism—in 2007 she won the wing staff’s airman of the quarter award, and she was featured as a spotlight performer in the McConnell base paper.

As a military justice paralegal, A1C Pratt is in charge of administrative discharges and assists with nonjudicial punishment actions and courts-martial. She works closely with first sergeants whose commanders either want to discharge an Airman or initiate nonjudicial punishment. A1C Pratt ensures the legal office receives the required documentation,



**A1C KRISTIN PRATT  
22 ARW/JA  
McCONNELL AFB, KS**

and then she conducts an initial legal review of the evidence for the chief of military justice. If the commander proceeds with the action, A1C Pratt guides the first sergeant and commander through the entire process.

A1C Pratt really enjoys her job. “Working in military justice has been interesting. I get to meet a lot of people, which I like. It is sometimes eye-opening to see what people do! It amazes me that Airmen will get into trouble for doing something wrong and then get into trouble again a couple of days later for the exact same thing.”

One of the reasons A1C Pratt joined the Air Force was to get an education, and she is currently working on her Community College of the Air Force degree in paralegal studies and a chemistry degree from Butler College on base. “My goal is to finish my degree and perhaps apply for Officer Training School. I would like to be an officer. I have enjoyed serving in the Air Force because it gives me a chance to give something back to the country that has given me so much.”

evidence was being analyzed over the next few months, 48 FW/JA outlined its prosecution strategy. The investigation resulted in one nonjudicial punishment action and seven courts-martial at RAF Lakenheath and one court-martial each at Seymour-Johnson and RAF Mildenhall.

**423 ABG/JA**, RAF Alconbury, United Kingdom, prosecuted a fully-litigated general court-

martial, alleging rape of a child, and rape and sodomy of the accused’s wife, among other less serious charges. The court was a significant challenge for the legal office with dozens of witnesses, multiple experts, and civilian defense counsel. The office’s relatively small staff was able to successfully prosecute the case with the gracious support and assistance of the RAF Mildenhall legal office.

**MISSION TRANSFORMATION**  
**440th Airlift Wing**, Milwaukee, Wisconsin, officially moved to Pope Air Force Base, North Carolina, on 10 June 2007. With its relocation, the wing left more than 50 years of history in Milwaukee to open a new chapter in North Carolina. While there are challenges ahead, the 440 AW will establish the first reverse association unit, whereby the wing will “own” the aircraft

## BASE LEGAL OFFICES

and the 43d Airlift Wing, the active duty unit, will jointly fly their C-130s. During the months leading up to the wing's relocation, Lieutenant Colonel Gregg Friedland successfully negotiated five age-discrimination cases to conclusion while simultaneously deploying to Pope to provide wing beddown contract support.

Of special note, **67 NWW/JA**, Lackland Air Force Base, Texas, celebrated the wing's one-year anniversary of its new designation as the Air Force's only network warfare wing. The 67th NWW is now charged with organizing, training, and equipping cyberspace forces to conduct network defense, attack, and exploitation. It executes the full spectrum of Air Force network operations, training, tactics, and management for Commander, Air Force Network Operations (AFNETOPS) and combatant commanders. In 2007, 67 NWW/JA delivered legal briefings as part of the 91st Network Warfare Squadron's initial qualification training, advised on the telecommunications monitoring and assessment program, and resolved issues concerning the AFNETOPS Security Center's ability to conduct assessments under the Electronic Communications Privacy Act.

Attorneys at **5 BW/JA**, Minot Air Force Base, North Dakota, advised the 91st Space Wing on the integration of personnel from a North Dakota Air National Guard unit with the 91st Security Force Group, making crucial calls on the legality of personnel in Title 32 status training alongside active duty Airmen performing operational missile security duty. This integration will eventually lead to highly trained active, Guard, and Reserve personnel and traditional guardsmen being activated to Title 10 status to backfill positions vacated by deployed security forces personnel.

JAGs, paralegals, and civilians within **Air University** (AU), Maxwell Air Force Base, Alabama, paved the way for the most significant transformation at AU in 30 years. JAG Corps personnel guided the transformation of all officer schools (e.g., Air War College; Air Command and Staff College; School for Advanced Air and Space Studies (SAASS); Squadron Officer College, including Squadron Officer School and Air and Space Basic Course) into a single organizational center—the Air Force Officer Professional Education Center. Concurrently, the team paved the way for statutory changes to allow Air University to grant doctorate degrees for SAASS and master's degrees for the Air Force Test Pilot School.

**419th Fighter Wing** legal office, Hill Air Force Base, Utah, planned for and worked to accomplish the Total Force Integration as new reserve wing associates of the 388th Fighter Wing, an active duty unit. In addition, there was a first-ever joint active duty/reserve operational readiness exercise during the October unit training assembly that required significant advance preparation and coordination.

The legal office at the **Air Force Institute of Technology** (AFIT) celebrated its first birthday after standing up in the summer of 2006. The office provided on-site legal support to the commander and staff of AFIT and the deans of the various AFIT colleges and schools, on such “institutional” law matters as copyright, faculty hiring, faculty tenure, disenrollments, scholarships, awards, grants, and other unique academic and fiscal matters.

In April 2007, **435 ABW/JA**, Ramstein Air Base, Germany, assumed responsibility for the legal mission of the 38th Combat Support Wing legal office at Kapaun Air Station, Germany. Their mission expanded further in June 2007 with the closure of the 721 ABG/JA at Moron Air Base, Spain. Ramstein now provides all legal support to the Kaiserslautern Military Community and to all Air Force units in Spain.

*I started with metal desks, IBM Selectric typewriters, and a law library kept up to date by an unlucky paralegal who got stuck with the duty. You got the typewriter only if you were lucky. Everything else was hand written on a yellow legal pad and typed by a secretary who got it back to you in a couple of days if you were in her good graces. Everything I did that was going out of the office was typed by someone else—a secretary or paralegal.*

– Col N. Steven Linder, USAF (Ret.)

## OFFICE LEADERSHIP/ MANAGEMENT

The **Dover Air Force Base** legal office instituted several customer service initiatives. These initiatives were centered around the legal office's revised mission statement focused on anticipating and overcoming legal obstacles to mission accomplishment. Customer service initiatives included increased legal assistance hours and the first ever "Legal Readiness Day," which served more than 60 deployment-tasked Airmen with same day wills, powers of attorney, and deployment briefings. 436 AW/JA also trained its paralegals to provide expanded services under the supervision of an attorney, to include drafting wills, taking on expanded investigative functions, and producing draft civil law reviews.

In early 2007, the **70th Intelligence Wing** legal office (70 IW/JA), Fort Meade, Maryland, relocated to unused dormitory space after the existing legal office space was targeted for conversion to a sensitive compartmented information facility. With help from transition flight personnel, JA personnel cleaned, repainted, and completely refurbished their new facility. When completed, the wing commander labeled the new office the "Vice Presidential Suites" and deemed them the standard for other facilities on base.

**30 SW/JA** at Vandenberg Air Force Base, California, successfully undertook a long-overdue renovation of the legal office facilities including a \$175,000 re-carpet project, and another

\$100,000 project for renovation of the courtroom. The legal office staff planned and executed the relocation of the entire legal office operations to a temporary facility during the six-week-long carpet renovation project and managed to accomplish this Herculean feat without disruption in service to commanders or their client base of over 10,700 military, civilian employees, family members, and tenant organizations.

The "Fairchild Bar Association" initiative of **92 ARW/JA**, Fairchild Air Force Base, Washington, resulted in unprecedented interaction and cooperation between military and civilian legal professionals in the Spokane (WA) community. The success of this initiative resulted in outstanding support from the U.S. Attorney and local county prosecutors. Additionally, the Honorable Patti Walker, Spokane County District Court Judge, spoke to Airman about the legal and financial costs of DUI convictions at the installation's Wingman Day.

**90 SW/JA**, F.E. Warren AFB, Wyoming, had a ribbon cutting ceremony for their new state-of-the-art courtroom. The ceremony was attended by the United States Attorney for the District of Wyoming, a federal magistrate judge, the 90th Space Wing Commander, and the Air Force Space Command Staff Judge Advocate and Paralegal Manager. The renovations cost over \$1.7 million and included upgrades to the courtroom, the judge's chambers, the jury deliberation room, and the court reporter's office.

## OPERATIONS AND INTERNATIONAL LAW

Personnel from the **81st Training Wing** legal office, Keesler Air Force Base, Mississippi, deployed in support of Task Force 134. Master Sergeant Gaynell Smith timely serviced over 11,000 legal notices and processed over 4000 detainee information requests. She flawlessly managed the case status response system and pioneered a successful detainee and attorney phone call program. In addition, Staff Sergeant Crystal Ybarra was selected as a team leader for the Joint Detainee Review Committee and processed 1200 detainee case files. She also assisted monthly threat assessment boards, delivering more than 8000 files to boards for review.

**100 ARW/JA**, RAF Mildenhall, United Kingdom, was highly successful at reducing unfair fines to Airmen in the local courts. Frequent turnover at the ticketing offices required the office to constantly monitor fines imposed on Airmen. Mrs. Tracey Cooper, British Liaison Officer, coordinated with the British courts to have fines reduced and withdrawn. The excessive amount of fines adjudged was due to a misunderstanding about the military members' status as members of the visiting forces. Through patience and education, 100 ARW/JA was able to turn this misunderstanding into a learning experience for all parties.

The **RAF Fairford** legal office coordinated every aspect of the 2007 Royal International Air Tattoo (RIAT) 2007, recognized as the world's largest military air show. One of the themes of this year's

## BASE LEGAL OFFICES

RIAT was the 60th Anniversary of the U.S. Air Force, and Secretary Wynne and General Moseley were in attendance to join in the celebration. Twenty-four countries and 320 aircraft participated with a public attendance of over 170,000 over a two-day period. 420 ABW/JA served as a single point of contact and liaison between the Royal Air Force Charitable Trust Enterprises and the U.S. Air Force. The legal office coordinated all logistic requests; assisted with all pre- and post-show claims; assisted with public affairs and media coverage; and represented the U.S. Air Force in the show operations center during the air show.

The **65th Air Base Wing** legal office, Lajes Field, Azores, Portugal, worked closely with their Portuguese hosts on a variety of issues. Notably, they saw an increase in host-nation employee discipline cases and complaints. The Air Force is required to conduct an annual wage survey as part of the process of determining annual wage increases for Portuguese employees. This year, they processed more than three 300 complaints regarding the results of the annual wage survey and raise. Discipline cases and complaints are subjected to a multi-level review process, and the legal office played a key role at each stage of the review.

In keeping with the **1st Special Operation Wing's** motto, "Any Time, Any Place," three attorneys—the deputy staff judge advocate and two senior captains—were deployed at various

times in 2007 to the Combined Joint Special Operations Task Force – Arabian Peninsula, and one paralegal deployed to the Law and Order Task Force in Iraq. The outstanding work of the paralegal's team was highlighted in the *New York Times*.

**421 ABG/JA**, RAF Menwith Hill, United Kingdom, was heavily involved in the foreign criminal jurisdiction case of a member of the U.S. Marine Corps (USMC) who traveled to the United Kingdom on leave. Upon entry into the United Kingdom, the Marine was found with a handgun and ammunition in his luggage; he was subsequently arrested, charged, and detained in prison in Manchester. 421 ABG/JA quickly negotiated with the United Kingdom Immigration Service to have the member temporarily admitted into the country, allowing him to be released from confinement to live and work on base while awaiting trial. Further negotiations with the United Kingdom Immigration Service and Manchester Crown Court resulted in the member receiving a suspended prison sentence, enabling him to return to the United States months earlier than anticipated.

One of the strengths of **422 ABG/JA**, RAF Croughton, United Kingdom, is its close and positive working relationship with host-nation authorities through the British Liaison Officer, Mr. Paul Kyberd. In early 2007, Mr. Kyberd helped a local county council audit and update records on properties occupied by qualifying active duty and civilian component members.

By ensuring that the local council properly acknowledged the members' status as visiting forces, RAF Croughton personnel received exemptions from more than \$40,000 in host-nation property taxes.

**31FW/JA**, Aviano Air Base, Italy, responded to a major accident when an F-16 crashed in a remote mountainous area northwest of Aviano. Fortunately, there were no casualties on the ground and the pilot sustained only minor injuries. The legal challenges began when the Italian authorities refused to release the pilot until he provided the local police with a written statement. 31 FW/JA was at a stalemate with the local police for several hours until they were able to work out a deal with the local Italian prosecutor. The next challenge was to gain access to the crash site, which was cordoned off and secured by local Italian police, who would not allow any U.S. personnel to enter without permission from the local magistrate. The local magistrate's authority and power seemed limitless, and she had no experience dealing with the U.S. military. The legal office immediately met with her and negotiated a resolution.

It was a year of deployments for the legal office at **McConnell Air Force Base**, Kansas. As a first for the JAG Corps, Major Jack Hopkins, deputy staff judge advocate, deployed to Kabul, Afghanistan, in August for six months to assist the Afghan Air Force in implementing their version of the Uniform Code of Military Justice.

# AREA DEFENSE COUNSEL PROGRAM



*Area defense counsel and defense paralegals*

The Air Force JAG Corps currently has 81 area defense counsel (ADC) serving at 69 bases worldwide. Typically second or third assignment captains, each ADC is primarily responsible for managing legal defense services at a single installation. Additionally, ADCs are responsible for managing the installation ADC office and one defense paralegal (DP). ADCs are normally selected from among the most highly qualified judge advocates in the base legal office, which ensures the ADC has considerable knowledge of local base personnel, policies, and concerns. ADCs do not report to the base staff judge advocate or the installation commander. Rather, defense counsel report through a chain of command directly to the Chief, Trial Defense Division (AFLOA/JAJD), thereby guaranteeing independence and an unfettered ability represent their clients.

Typically non-commissioned officers with significant base legal office experience, DPs are responsible for paralegal and office management functions for the ADC office. In addition to managing the office, DPs interview clients and witnesses, screen for attorney conflicts, perform legal research and manage case files, maintain ADC trial dockets and schedules, investigate facts of alleged offenses, and obtain investigation reports. DPs are normally selected from the most qualified candidates at the local legal office. In addition to possessing military and paralegal knowledge, a DP candidate must be mature, professional, and enthusiastic. Their organizational skills become the bedrock of every ADC office and ensure the ADC and DP function as a team.

The ADC office at Al Udeid Air Base, Qatar, has been open for more than a year, and the office continues to serve Air Force members serving in the Central Command area of responsibility (CENTCOM AOR) on a large scale. Captain Joey Hebner rotated into the position in summer 2007 and has continued the strong defense presence in the CENTCOM AOR. For 2007, the Al Udeid office handled over 350 Article 15 actions, more than any other defense office.

In spring 2007, the Air Force tried its second capital murder case in two years. The client was charged with premeditated murder in addition to several minor offenses. For nearly two years, the defense team of Major Stephen Ganter, Captain Gwen Beitz, and Captain Jason Kellhoffer,

*The JAG Corps' role is more judicial, and now we look for justice. Initially, we often were simply enforcing the will of the commanders, whether it was justified or not.*

– CMSgt Steve Swigonski, USAF (Ret.)

# SPOTLIGHT ON... AN AREA DEFENSE COUNSEL

Military defense counsel represent the cornerstone of the military justice system's integrity: independence. This independence allows area defense counsel (ADC) to zealously represent and establish trust with their clients. In addition to making independent decisions on behalf of their clients, ADCs also run their own offices, manage their own budgets and caseloads, and supervise paralegals assigned to the ADC office. Captain Chris Eason has experienced this independence first hand while serving as the ADC for Langley Air Force Base, Virginia.



**CAPT CHRIS EASON**  
**AFLOA/ADC**  
**LANGLEY AFB, VA**

for me to meet with him to oppose a proposed action and advocate why a lesser action may be more appropriate.”

Capt Eason believes his independence allows him to make a difference in the lives of each of his clients and their families. Similarly, by independently working to safeguard the best interests of clients, the ADC office provides a tremendous resource to Air Force units to find reasonable solutions to day-to-day problems. Not surprisingly, Capt Eason regularly receives calls from commanders and

Capt Eason's experiences as an ADC have ranged from meeting with commanders regarding relatively minor administrative actions to interacting with the media on high-profile cases. Capt Eason has found commanders to be very supportive of the need to have an independent defense counsel on their bases. “My independence has routinely opened doors to their offices for even the most minor adverse actions,” he notes. “I am routinely afforded ‘head-of-the-line’ status, which has allowed me to zealously represent my clients. Even the wing commander has made time

first sergeants seeking his advice on difficult problems with their Airmen.

“The opportunities I've been afforded as part of the JAG Corps are invaluable,” Capt Eason said. “Working as an ADC has provided me with knowledge and insight into the law I couldn't get in any other position. Many ADC posters displayed on Air Force bases have the phrase: “Independence is what the ADC is all about.” I'm proud to be part of a system that stresses and supports that independence.”

*ADC Office, Malmstrom AFB, MT*



aided by Technical Sergeant Ken Henkel and Technical Sergeant Angela Weidenbenner, worked tirelessly on the case. In the end, the accused was acquitted of the murder charge and thereby avoided a potential death penalty.

In addition to this high-profile partial acquittal, ADC teams participated in courts-martial resulting in 55 full acquittals

during 2007. One of those acquittals involved a reservist activated after the attacks of 9/11. Following his activation, the client asked his chain of command if he could change his address from Lodi, California (where the basic allowance for housing (BAH) was \$1100 per month) to San Francisco, California (where the BAH was \$2400 per month). The commander gave his approval, although regulations prohibit a reservist from changing his or her address once activated. A subsequent commander preferred charges. In addition to the BAH fraud, the client was charged with filing false travel vouchers during his four year activation period, and the total amount allegedly stolen was approximately \$20,000. The ADC team's effort paid off, and court members acquitted the client based on a mistake of fact defense and lack of intent based on the original commander's approval.

Another case involved a client facing a summary court-martial for three specifications of indecent exposure. The ADC team interviewed witnesses, conducted its own on-scene investigation and gathered evidence to show the court the Airman's exposure was not willful or wrongful and was, in fact, completely out of character. Witnesses attested to the client's excellent military character. The client was acquitted of the charge and its specifications and was allowed to PCS.

ADC teams were also successful in reducing clients' exposure to charges, or avoiding courts-martial altogether, through motion practice. In one case, after court-martial



*Defense team members working on a case in Afghanistan*

charges were referred against a military member for indecent liberties and child pornography, the ADC team filed a motion to suppress evidence on the grounds of illegal search and seizure. The ADC thoroughly investigated the search and interviewed substantive witnesses. The ADC discovered that although the client revoked his consent prior to the computer being examined, the government kept the computer and did not proffer a subsequent probable cause search authorization. As a result, all computer evidence in the case was suppressed, and the child pornography charge was dismissed.

In a second case, a client faced a general court-martial for child molestation, indecent acts, and sodomy. The child was under three years old at the time of the allegations and under four years old at the time of trial. At trial, the ADC team contested the competency of the child to testify and sought to exclude hearsay statements made by the child to

the mother and investigators. With the assistance of an expert child psychologist, the ADC team successfully challenged the child's competency to testify, and the ADC successfully argued to exclude each hearsay statement made by the child. The government ultimately withdrew the charges after motions.

ADC teams were equally successful advocates at Article 32, UCMJ, proceedings. In one case, an ADC and a civilian attorney representing an Air Force student pilot accused of violently beating a civilian with intent to commit grievous bodily injury produced evidence at the Article 32 hearing that led to the dismissal of all charges. The alleged victim claimed he met the client at a local bar, and he alleged he awoke at the client's house and found the client sexually assaulting him. He also alleged that when he awoke, the client violently beat and choked him. The client asserted he awoke and found the civilian sexually assaulting him, and the

# SPOTLIGHT ON... A DEFENSE PARALEGAL

On Technical Sergeant Erin Ramil's first day as the defense paralegal (DP) at Nellis Air Force Base, Nevada, in March 2006, you could excuse her if she appeared tired. "I was so excited that I could barely sleep the night before," she said. "I quickly learned that a DP has a lot of responsibility, but you also have a lot of freedom to decide the best way to run the office."

Achieving success as a DP put TSgt Ramil's leadership skills to the test. "Clients are not the only ones who rely on you," she stated. "My attorneys need me to screen

for conflicts, explain the justice processes, handle the office's additional duties, and, most importantly, know how and when to accomplish everything. You have to be able to budget more than just time."

As the DP, TSgt Ramil is often the face of the area defense counsel office, and she gives regular briefings at the First Term Airman Center and Right Start. The biggest benefit in her briefings, however, is the networking she does in the process. "It is essential to build relationships with as many people as possible. You never know when someone will become a valuable resource for you



**TSgt ERIN RAMIL**  
**AFLOA/ADC**  
**NELLIS AFB, NV**

and your clients," she said. "I never realized how many outside agencies the area defense counsel office works with every day. Once you build trust with others, the possibilities to get help later on are endless."

TSgt Ramil believes that building relationships is critical to her work in the office as well. "As the first person a client sees, you have to be courteous and respectful," she stated. Your first impression lays the foundation for the relationship between the client and your office. Most individuals we see are faced with circumstances that may not

be ideal, while others who are just looking for a little guidance. I have to rely on my training and skills as a paralegal and my experience and professionalism as a noncommissioned officer."

The job is equal parts challenging and rewarding. "I've met so many different people. Each person's situation is different, allowing me to grow personally and professionally," she said. "The most rewarding aspect of my job is working as a team with the attorney and client. At the end of each day, I know that I did my best to ensure what is best for the client and the Air Force."

ADC conducted an investigation that revealed other males who had also been assaulted by the civilian. At the Article 32 hearing, after four men recounted similar sexual assaults by the civilian, the Article 32 investigating officer recommended that the charges should be dropped. The convening authority agreed, and the client was reinstated in pilot training; he has since graduated.

ADC teams also represented a number of clients whose cases were returned to a convening authority by the appellate courts, oftentimes years after their original convictions. One case involved a retirement-eligible senior noncommissioned officer who was convicted by a general court-martial in 2004 of three specifications of maltreatment of three female Airmen and two

specifications of unprofessional relationships with two female Airmen. He was sentenced to a bad conduct discharge and reduction to the grade of E-1. In December 2006, The Air Force Court of Criminal Appeals affirmed the findings, but set aside the sentence, holding that the trial judge's sentencing instruction that military confinement

facilities are corrective rather than punitive materially prejudiced the appellant's rights. A rehearing on the sentence was ordered. The new trial defense team was composed of one of the original detailed ADCs and the new local ADC. An April 2007 rehearing ended in a mistrial after court members could not concur on an appropriate sentence, and a second rehearing was held in October 2007. Through the diligent efforts of the trial defense team, which included a creative multimedia presentation during argument, the client was sentenced to a reduction to E-5 and 30 days hard labor without confinement, saving his retirement after more than twenty years of service.

ADC successes were not limited to courts-martial. ADC teams displayed the same vigorous representation in a wide-range of forums and in all facets of the law. Below are but a few of the hundreds of 2007 examples of ADC teams producing positive results for their clients:

An officer subject to a flying evaluation board faced transfer to another airframe after receiving several unsatisfactory grades during flight training. The ADC, working in conjunction with the appointed technical advisor, argued to the board that the flights were improperly graded. The board agreed and reinstated the client into his previous training program. It is anticipated the results of this board will lead to a revision of the training program's syllabus.

A female officer faced involuntary separation for homosexual conduct at a discharge board. There was no dispute the

homosexual conduct occurred, and the only question before the board was whether the client met the criteria for retention. The ADC team articulated why their client met the retention criteria, and they argued the client's degree in aerospace engineering was invaluable to the Air Force and its mission. The board, made up of three colonels, agreed and recommended retention.

A CDC/ADC team provided exemplary service to a client in a case with high media interest. The client originally accused three Airmen of raping her following a party. The airmen were charged, but several months into the investigation, the client decided she no longer wanted to pursue criminal action against the Airmen even though she did not recant her allegations. Subsequently, she was served with an Article 15 action for underage drinking and indecent acts with the very Airmen she alleged raped her. Although she publicly admitted to underage drinking,

the client maintained the Airmen raped her and turned down the nonjudicial punishment offer. She then brought her story to Congress and the media. Defense counsel did an outstanding job of representing their client's interest with the media, which included an on-camera interview with a major network, while at the same time ensuring compliance with the pretrial publicity limitations imposed by Air Force ethical rules. In the end, the team was able to avoid a court-martial and save the client's career. The indecent acts charge was dismissed and the underage drinking allegation was handled through nonjudicial means.

Considering the diversity of issues faced and gravity of each representation, it is clear that ADC and DP positions are among the most challenging in the JAG Corps. With the opportunity to defend those who defend America, it is also no wonder that ADC and DP positions are considered among the best in the Air Force!



# AIR FORCE JAG CORPS DEPLOYMENTS: A YEAR IN REVIEW

Throughout 2007, Air Force judge advocates and paralegals successfully provided a wide variety of legal services to the warfighter in support of Operation IRAQI FREEDOM, Operation ENDURING FREEDOM, and other operations.

During the three aerospace expeditionary force (AEF) rotations in 2007, the JAG Corps deployed a total of 286 attorneys and paralegals to over 40 different locations throughout the world. Over the past three years, JAG Corps deployment requirements have been on a steady rise. During AEF Cycle 4, January 2004 through August 2004, the JAG Corps supported on average 35 deployment taskings per AEF rotation. During AEF Cycle 6, May 2006 through December 2007, the JAG Corps supported on average 115 deployment taskings per AEF rotation. While the exact number of deployed JAG Corps personnel fluctuates on a daily basis, on 31 December 2007, the JAG Corps had a total of 130 deployed attorneys and paralegals.

Not only has the quantity of JAG Corps deployment requirements increased, the average length of deployment tours has increased. The length of JAG Corps deployments varies between 120- and 365-day tours. During 2007, the most common JAG Corps deployment was the 179-day tour.

## **JAG CORPS EXPEDITIONARY FORCE MANAGEMENT**

During 2007, the JAG Corps reorganized and revised existing force management guidance to improve its ability to administratively execute worldwide deployment takings. In the summer of 2007, the organization responsible for managing all judge advocate and paralegal deployment taskings relocated from the Air Combat Command legal office at Langley Air Force Base, Virginia, to the Professional Development Division (JAX) at the Pentagon. A distinct advantage of JAX assuming responsibility for managing deployments was the ability to prevent any inadvertent conflicts between judge advocate deployments and the assignment process.

During fall 2007, JAX helped The Judge Advocate General (TJAG) issue revised prioritization and sequencing guidance. JAX also helped consolidate seven separate TJAG operation readiness memoranda (ORM) into a single memorandum. The new ORM reinvests JAG Corps efforts to maximize benefits from after action reports and will help improve training curriculum and methods to ensure operational readiness. The revised guidance also improves the JAG Corps' ability to support the warfighter by clarifying JAG Corps readiness reporting requirements, which enhances the ability to identify and quantify deployable judge advocates and paralegals.

## **SUPPORTING AIR EXPEDITIONARY WINGS (AEWs)**

In 2007, deployed staff judge advocates (SJA) and law office superintendents served expeditionary wings and groups located at Balad Air Base, Iraq; Ali Al Salem Air Base, Kuwait; Al Udeid, Qatar; Al Dhafra Air Base, United Arab Emirates; Bagram Air Base, Afghanistan; and Manas Air Base, Kyrgyzstan. These AEW legal offices provided the same full spectrum of legal services that would be expected of a garrison legal office in the United States. To improve the continuity of legal services at two of the most demanding AEW legal offices, the tour lengths for the SJAs at Balad and Al Udeid increased from 120 days to 365 days.

## **CRIMINAL DEFENSE SERVICES**

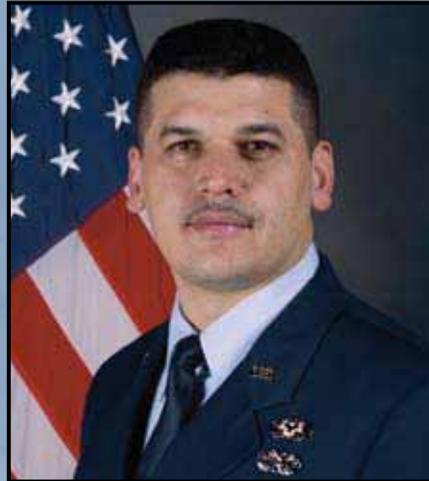
During 2007, the JAG Corps maintained an area defense counsel and defense paralegal at Al Udeid Air Base, Qatar, for our deployed Airmen seeking defense services. In 2007, defense services were needed for 425 nonjudicial punishment actions and fourteen courts-martial. Defense services were also needed to advise mishap aircrews during three separate friendly fire investigations. Due to this military justice workload in the Central Command area of responsibility (CENTCOM AOR), in 2008, the JAG Corps will maintain two defense

# SPOTLIGHT ON...

## A DEPLOYED PARALEGAL

No matter if he is at home or deployed, Technical Sergeant Ronnie Flores of the 92d Air Refueling Wing legal office, Fairchild Air Force Base, Washington, always goes the extra mile when it comes to helping Airman and serving his community. From September 2006 to February 2007, TSgt Flores deployed to Bagram Airfield, Afghanistan, with the U.S. Army's 405th Civil Affairs Battalion in support of Operation ENDURING FREEDOM. While there, TSgt Flores volunteered to lead a massive project to enable non-citizen U.S. soldiers serving in Afghanistan to become citizens. As a result of his efforts, 61 U.S. soldiers from 31 different countries obtained their citizenship at a Veteran's Day ceremony held at Bagram, more than doubling the number of "soldiers-to-citizens" from the previous period. In fact, his outstanding work garnered the attention of international media and was highlighted by an Air Force News story. Notably, TSgt Flores also volunteered to support Combined Joint Task Force 76, which is made up of 21,000 troops from 21 nations, by providing rules of engagement training to over 300 soldiers. His work raised awareness of international human rights among Coalition Forces.

In addition to TSgt Flores' extraordinary efforts in the war zone, during this past year he also provided deployment-related legal services and law of armed conflict briefings to over 150 deploying Airmen at Fairchild Air Force Base. He provided training on the Uniform Code of Military Justice to over 75 Airmen at Fairchild's First Term Airman Center, helping ensure these newest Airmen understand the unique legal obligations they have assumed as members of America's all-volunteer military. Finally, TSgt Flores served the greater Spokane community by volunteering to support 2006 Lilac Bloomsday



**TSGT RONNIE FLORES**  
92 ARW/JA  
FAIRCHILD AFB, WA

Run, providing early-morning work at the starting line for over 40,000 participants.

TSgt Flores was lauded as the best "soldier" in his Company during Army ground combat skills training en route to his deployment, and he was awarded the Army Achievement Medal for his significant accomplishments in Afghanistan. In addition to winning the Air Mobility Command Swigonski Award last year, the Spokane County Bar Association awarded TSgt Flores their 2007 "Liberty Bell Award." This annual award

recognizes a non-lawyer in the Spokane community who promotes an understanding of and respect for the law and the courts, encourages and exemplifies a sense of civic responsibility, and contributes to the betterment of the community.



## AIR FORCE JAG CORPS DEPLOYMENTS: A YEAR IN REVIEW

attorneys and a defense paralegal at Al Udeid.

### AIR OPERATIONS CENTERS

Judge advocates with specialized training staff air operation centers (AOCs), providing targeting advice and liaison between the services, allies, and coalition partners. During 2007, judge advocates deployed to AOCs in support of operations throughout the CENTCOM AOR and in support of Operation NOBLE EAGLE.

### JOINT OPERATIONS

Three out of every four JAG Corps deployment taskings fulfill joint operation requirements. These joint taskings often require a specialized focus, such as contracting, administrative/civil law, fiscal law, international law, environmental law, domestic operations, claims, or operations law. In 2007, the JAG Corps deployed to numerous joint task forces, combined commands, and joint offices in Iraq, Afghanistan, and throughout the CENTCOM AOR.

The majority of joint deployment requirements focus on support for detainee operations, including Task Force 134 – Iraq (TF-134). JAG Corps personnel who deploy in support of TF-134 advise the commander and staff on laws and policies that apply to detainee operations. At the end of 2007, TF-134 units were located at four geographically separated locations in Iraq: Camp Victory, Camp Bucca, Camp Cropper, and the International Zone (IZ).

The TF-134 Magistrate's Cell reviewed detainee files to determine whether security detainees in U.S. custody should be released, continue in U.S. detention, or be turned over for criminal prosecution.

The Combined Review and Release Board Liaison Office in the IZ presented detainee files to a joint board of representatives of the Iraqi Ministries of Justice, Human Rights and the Interior, and the United States,

to determine whether detainees should remain interned in accordance with United Nations Security Resolution 1546.

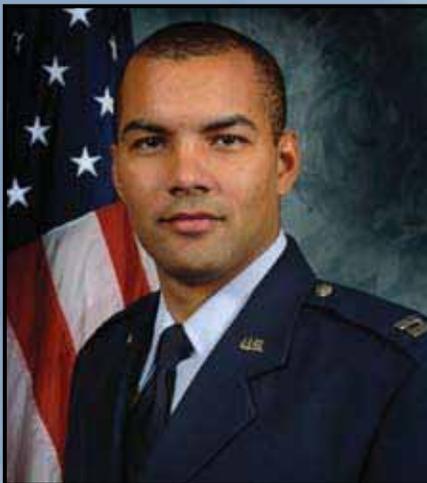
In 2007, TF-134 established detainee assistance centers (DAC) at Camp Bucca and Camp Cropper. Personnel assigned to DACs explain to detainees the various effects of TF-134 legal processes upon their liberty interests and contribute to due process by serving timely notice of hearings and delivery of board results.

*JAGs deployed to the Joint Contracting Command in Baghdad, Iraq*



# DETAINEE LEGAL OPERATIONS AT CAMP BUCCA

When Captain Dan Doyle arrived at Camp Bucca, Iraq, via a Marine Sea Stallion helicopter named “Garbage Can,” the hot wind blowing from the vast Al-Hijarah Desert felt like an open oven door. “My face was greeted by blown sand and the black smoke of the burn pit,” he recalls. But despite the barren desert surrounding it, Camp Bucca now bustles with activity, with over 20,000 security detainees, and thousands of Soldiers, Sailors, and Airmen manning the compounds and watchtowers.



**CAPT DAN DOYLE**  
**50 SW/JA**  
**SCHRIEVER AFB, CO**

Capt Doyle and other members of the JAG Corps assist in the new Multi-National Force Review Committee (MNFRC) boards taking place at Camp Bucca. MNFRC boards review each case of security detainees every six months to determine whether the detainee should be retained as a security threat or released. Board members can question the detainee, and the detainee is able to explain his side of the story.

Capt Doyle ensured board members were properly trained to review detainee cases and vote on their continued internment or release. He also managed case docketing, and he ensured detainees were briefed on their rights at the proceeding. In addition, he had to remain vigilant to ensure the boards were not

derailed by the inevitable threats that occur in a hostile fire zone. On more than one occasion, rocket attacks forced the boards to recess temporarily to herd detainees and board members into bomb shelters. Once the all clear sounds, though, it is back to business at Bucca.

Capt Doyle arrived at Bucca just after the MNFRC boards started. Initially, the team manned three board rooms with just over 100 detainee hearings each week. The scale of operations has grown to 1200 detainee cases per week, with eight boards hearing cases six days a week.

Hearings at Bucca are often the culmination of intel-driven raids, checkpoint searches, and combat patrols. The evidence comes from the battlefield. Files may contain digital photos taken only seconds after a raid on an al Qaeda safe house or a zip-lock bag with an explosive test showing positive for TNT. MNFRC boards protect Coalition Forces and the people of Iraq by retaining violent insurgents and releasing those who will go home and rebuild Iraq.

The most immediate and tangible effect of the boards is apparent inside Camp Bucca. The camp holds thousands of dangerous insurgents who consider



## AIR FORCE JAG CORPS DEPLOYMENTS: A YEAR IN REVIEW

Bucca to be another front in their war against the Coalition Forces. Before the MNFRC boards began, some detainees languished for months, with no idea about when they would be released, or sometimes even why they were detained. The result was massive and frequent rioting, sometimes ending in pitched battles between armed detainees and guards in riot gear.

Capt Doyle, who joined the Air Force in March 2006 and is stationed at Schriever Air Force Base, Colorado, says he saw dramatic changes while stationed at Camp Bucca. “In my first week, I had two rocks thrown at me during a riot,” he says. “The boards changed this. Word began to spread that the boards looked at behavior in

the camp, and violence decreased to a fraction of what it was before. In my encounters with detainees, I learned that they were grateful for the process to review their cases and the opportunity to express their side of the story. The process gave them hope.”

Reflecting on the importance of the boards, Capt Doyle observed, “Our work immediately impacts the safety of the guard force and the future of the detainees. It also impacts the security of our soldiers in the field and the people of Iraq. More importantly though, we are showing the detainees, their families, and their communities that we respect their rights and that we care about justice.”



*MSgt Stacy Garnes, 56 FW/JA, in Afghanistan*

The Central Criminal Court of Iraq (CCCI) Liaison Office, also located in the IZ, assisted the CCCI in securing the evidence and witness access needed from coalition forces to ensure successful prosecution of detainees who committed criminal acts.

At CCCI investigative hearings, deployed judge advocates guided coalition witnesses through their testimony and submitted all available physical evidence

to an Iraqi investigative judge. In addition, judge advocates observed defendant testimony and conducted appropriate cross-examination. Deployed judge advocates routinely used video teleconference witness testimony for witnesses who had redeployed to the United States. When an Iraqi Investigative Judge refers a case to the CCCI Trial Court, deployed judge advocates monitor its progress.

Additionally, judge advocates deployed to Multinational Force – Iraq, Multinational Security Transition Command – Iraq, and Combined Security Transition Command – Afghanistan provided crucial advice to coalition command elements on the rule of law, law of war, fiscal law, and international training exchange programs.

Four JAG Corps members support Joint Contracting Command by providing advice on all acquisition and fiscal law issues while reviewing all contracts with a dollar value in excess of \$1 million for both the Iraq and Afghanistan theater of operations. In 2007, the JAG Corps started deploying a judge advocate to Djibouti to provide contract and fiscal law support for Joint Task Force – Horn of Africa.

In 2007, three judge advocates and one paralegal were embedded as part of an Army civil affairs battalion at three separate locations in Iraq. Legal personnel conducting civil affairs worked closely with a Provincial

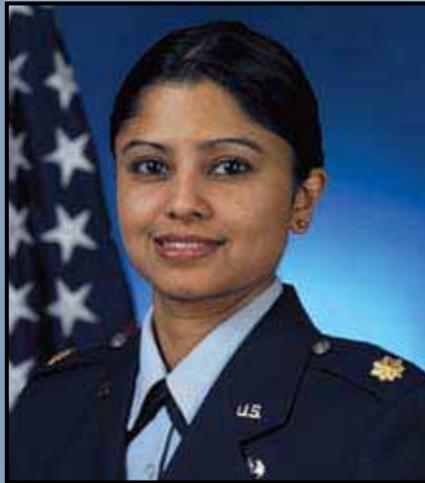
# SPOTLIGHT ON...

## A DEPLOYED STAFF JUDGE ADVOCATE

On 19 March 2007, as Chief of Military Affairs, 3d Wing legal office, Elmendorf Air Force Base, Alaska, Major Andrea R-Ferrulli, worked at her desk, juggling the demands of courts-martial, Article 15s and discharges. Her phone rang, and fifteen days later she found herself in-processing at Special Operations Command Pacific en route to a deployment to Zamboanga, Philippines. During her deployment, Major R-Ferrulli served as the staff judge advocate (SJA) for the Joint Special Operations Task Force – Philippines (JSOTF-P) in support of Operation ENDURING FREEDOM – Philippines (OEF-P).

As the deployed SJA, Major R-Ferrulli worked primarily with Army Special Forces, Naval Special Warfare (SEALs and special boat elements), Army and Marine infantry, Naval security forces and other government agencies embedded with the task force. She advised the JSOTF-P in areas of international, operational, fiscal, criminal, and administrative law.

As the SJA, she also managed small rewards in support of the Department of Defense Rewards for Justice Program, which required coordination with intelligence assets in order to personally confirm and pay informants for valuable information or property.



**MAJ ANDREA R-FERRULLI**  
**3 WG/JA**  
**ELMENDORF AFB, AK**

In one instance, Major R-Ferrulli made contact with and paid an informant who had saved lives and property in a small village by turning in a car wired with explosives.

Major R-Ferrulli worked with the Philippine Judge Advocate Office to help improve and build upon their operational law structure. Her duties created opportunities for face-to-face interaction with Philippine Forces, the Philippine senior military lawyer, Department of Justice personnel at the U.S. Embassy, and the U.S. Ambassador

to the Philippines.

Deploying on short notice was a bit overwhelming, but Major R-Ferrulli looks back on her deployment to the Philippines as an excellent experience. “Local villagers sometimes had some hesitance interacting with me due to the cultural differences in how men and women interact in predominantly Muslim regions,” she notes. “But overall, the people of the Philippines were very welcoming and hospitable.”

Mission Statement: JSOTF-P, in coordination with the country team, builds capacity and strengthens the Republic of the Philippines’ security forces to defeat selected terrorist organizations in order to protect U.S. and Filipino citizens and interests from terrorist attack while preserving Philippine sovereignty.

Reconstruction Team to assist Iraq’s provincial governments with developing a transparent and sustained capability to govern, promoting increased security and rule of law, promoting political and economic development, and providing provincial

administration necessary to meet the basic needs of the population. Specific duty responsibilities for legal personnel include such matters as conducting rule of law assessments; monitoring contract performance; coordinating with Department of State, U.S. Agency

for International Development, and nongovernmental organizations; and advising on excess property and fiscal law issues.

A judge advocate continued to support the Regime Crimes Liaison Office by assisting the Iraqi

*Today, the role of the JAG Corps is much more multifaceted with emphasis on serving the client, i.e., the commander. In my early years, JAGs would opt out saying, "That's not a legal matter." Today, the approach is, "How can I help with the mission regardless of whether it involves something legal?"*

– Maj Gen Robert W. Norris, USAF (Ret.)



*TSgt Deborah Frazier, 341 SW/JA, with Iraqi baby*

government with the investigation and prosecution of members of the former Iraqi regime and the Iraqi Ba'ath Party for crimes against humanity and other crimes within the jurisdiction of the Iraqi High Tribunal.

During 2007, the type of JAG Corps deployment requirements that experienced the greatest growth was requirements to support other types of rule of law programs. In 2007, the JAG Corps received new requirements for an additional eleven judge advocates and six paralegals to support new rule of law missions for the Law

and Order Task Force (LAOTF) in Iraq and to serve as "legal mentors" in Afghanistan.

The JAG Corps deployed eight judge advocates and six paralegals for 179-day tours to support LAOTF. This Department of Justice-led organization stood up in late June 2007 to help the Iraqi government improve its capability to process domestic criminal prosecutions.

In late 2007, the JAG Corps received emerging requirements for three judge advocates to serve 365-day tours to mentor Afghan judge

advocates with the implementation of the Afghan Uniform Code of Military Justice and the provision of the full spectrum of legal services to Afghan commanders. In August 2007, a judge advocate started mentoring Afghan judge advocates with the Afghan Air Corps. In early 2008, two other judge advocates will each report to separate locations in Afghanistan to mentor the entire legal staff for one of the Afghan Army's five Corps. Each Afghan Army Corps has approximately 9000 Afghan personnel. The Afghan legal staff for each of the ground Corps includes about 30 personnel and its own investigative units. The Afghan Army Corps are located in Kabul, Gardez, Kandahar, Herat, and Mazar-E-Sharif.

### **THE JAG CORPS TOTAL FORCE TEAM**

Supporting operations around the globe is a Total Force effort for the JAG Corps. During 2007, reserve and guard attorneys and paralegals volunteered to fill approximately 22 percent of JAG Corps deployment taskings. Deployment requirements will likely remain robust as the Global War on Terror continues, and members of the JAG Corps remain dedicated to providing the full spectrum of legal services to support the warfighter.

# SPOTLIGHT ON... A DEPLOYED JAG

For Captain Brian Thompson, the Air Force representative to the Department of Justice's Regime Crimes Liaison's Office (RCLO) in Baghdad, Iraq, the keys to a successful deployment were simple, "Be prepared for anything, remain flexible...and try not to shoot yourself in the foot." As circumstances found him working as the military liaison to the U.S. Marshal Service's Special Operations Group (SOG), Capt Thompson had to pay special heed to each of these keys.



**CAPT BRIAN THOMPSON**  
9 RW/JA  
BEALE AFB, CA

RCLO supports the Iraqi High Tribunal (IHT) in the war crimes/genocide trials of Saddam Hussein and members of the former regime. SOG provided safe and secure transportation via military convoy/motorcade throughout Iraq to the more than 60 defense counsel and trial witnesses of the IHT, some of the highest-valued insurgent targets.

In his role with SOG, Capt Thompson was the defense counsel/principal ("packages") handler, tasked with threat observation, convoy/motorcade communications, medical care, and right-seat weapon (M4, M9) support. He was trained in SOG tactics and procedures, to include weapons, tactical driving, and evacuation procedures.

With his SOG team, Capt Thompson conducted 150 missions outside the "Green Zone," traveling

thousands of ground miles, including numerous trips up and down infamous Route Irish, and missions throughout Iraq to locales such as Kadhimiya, Dujayl, Tikrit, and Qayyarah. Though Capt Thompson's convoy/motorcade often came under small-arms fire, and rode through complex attacks, none of their packages were ever injured.

When not on the road or in the air, Capt Thompson was RCLO's high value detainee (HVD) coordinator, ensuring

Coalition officials honored the legal rights of the former regime members, that the HVD had regular access to counsel, providing unrepresented HVD a conduit for communications with the IHT judges and staff, and assisting defense counsel during their preparation for and during trial. He interacted with Saddam Hussein and his international defense team, as well as Tariq Aziz, Ali Hasan al-Majid (aka "Chemical Ali"), and Saddam's two half brothers.

"It was fascinating to be a witness to history, to watch a fledging court system find its way, and to put away my JAG hat for a while and put on an operational one. It's not what I expected to be doing over there, but when you deploy, be ready for anything."

*There were three principles that I tried to allow to be my guides for most of my career:*

- a. There is no substitute for rock-ribbed integrity.*
- b. There is no end to what you can accomplish if you don't care who gets the credit.*
- c. There are no degrees of honesty, either you are honest or you are not.*

– Maj Gen William A. Moorman, USAF (Ret.)

# DEFENSE INSTITUTE OF INTERNATIONAL LEGAL STUDIES

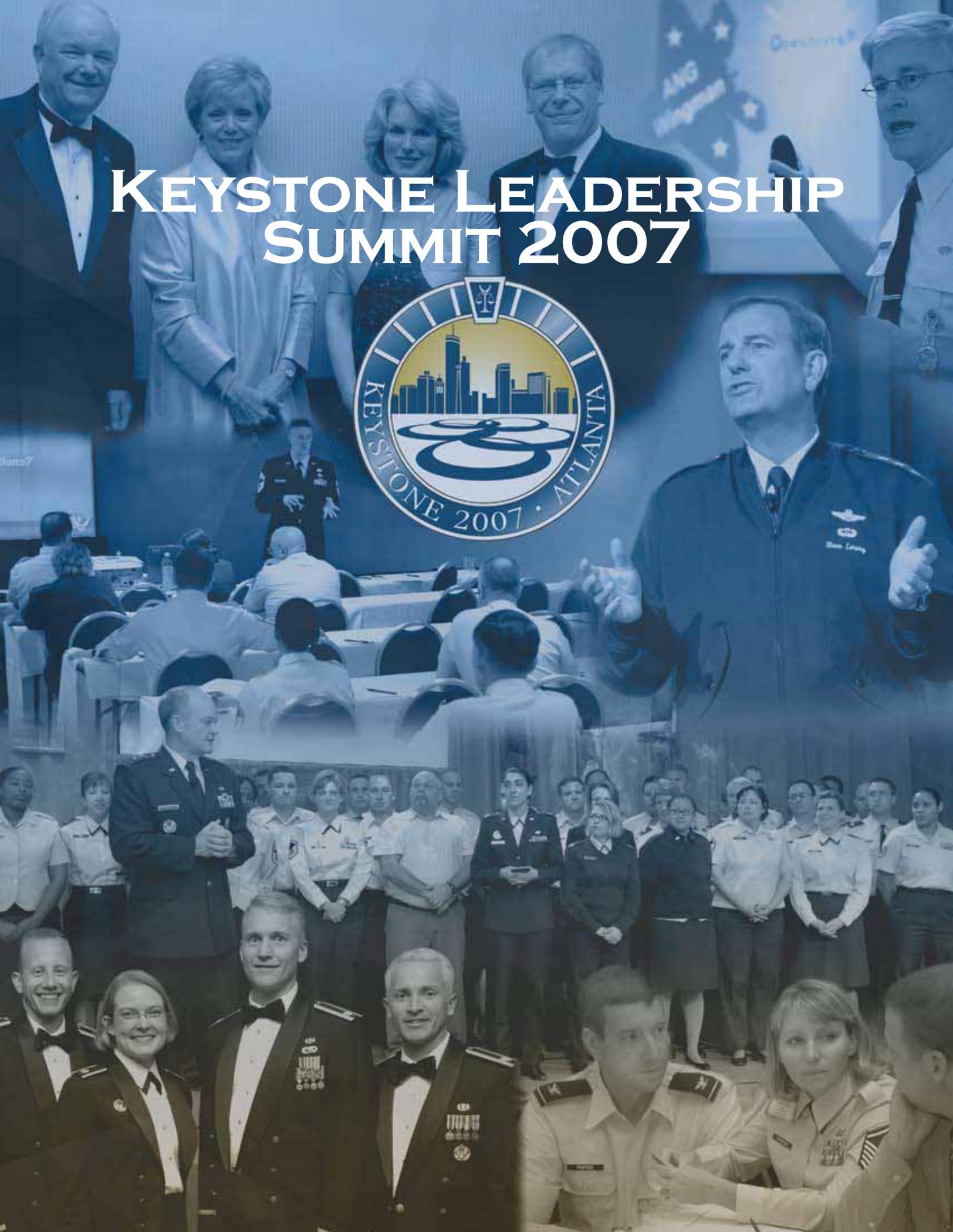
As the lead Department of Defense (DOD) agency for providing professional legal education and training to international military officers and civilian government officials in furtherance of U.S. national security and foreign policy objectives, the Defense Institute of International Legal Studies (DIILS) program fosters close ties with U.S. international partners and friends; leading professional resident and overseas forums for discourse and the exchange of ideas between military and civilian professionals. In 2007, more than 25 Air Force judge advocates participated in DIILS missions both stateside and overseas.

MONTH	COUNTRIES
JANUARY	MOZAMBIQUE
MARCH	DEMOCRATIC REPUBLIC OF THE CONGO SLOVAKIA
APRIL	GERMANY
MAY	CAMBODIA THAILAND
JUNE	CZECH REPUBLIC MEXICO UNITED STATES (TOGO)
JULY	ARGENTINA
AUGUST	DEMOCRATIC REPUBLIC OF THE CONGO UNITED STATES (NIGER) UNITED STATES (AFGHANISTAN)
SEPTEMBER	ALBANIA NEPAL UNITED STATES (AFGHANISTAN)
NOVEMBER	UNITED STATES (ROMANIA)
DECEMBER	AZERBAIJAN UNITED STATES (EL SALVADOR)



*Col Dave Engel on a DIILS mission to the Democratic Republic of Congo*

# KEYSTONE LEADERSHIP SUMMIT 2007



# KEYSTONE OVERVIEW

KEYSTONE 2007 in Atlanta, Georgia, marked the third successful JAG Corps leadership summit since its inception with KEYSTONE 2005 in Colorado. KEYSTONE 2007 focused on “Living the Vision,” which was more than just the Summit’s theme—it was a challenge set forth by The Judge Advocate General (TJAG), Major General Jack L. Rives, to understand, live, and lead the JAG Corps Vision. Speakers, panel discussions, and breakout sessions facilitated an understanding of our Vision by showing how JAG Corps members contribute to Air Force missions and the security of the nation through focused and dynamic legal capabilities. The Summit also focused on ways to lead the Vision, by taking care of people and leading them in these changing times.

To convey “Living the Vision,” KEYSTONE 2007 was organized around three things: the times, the people, and the opportunities. General Rives remarked that now is the time for members of the JAG Corps to do important things for the Air Force, and we have great people to do it. It is the confluence of the times and the people that best position members of the JAG Corps to take advantage of the opportunities. To understand more about living and leading the JAG Corps Vision, the week featured innovative presentations from senior government officials, Air Force and JAG Corps leaders, and private-sector experts on national security and leadership. Many topics related to the dynamic operational environment and generated poignant and provocative dialogue throughout the week.

Among the KEYSTONE 2007 distinguished speakers were United States Senator Lindsey O. Graham; the Director of the Central Intelligence Agency, General

Michael V. Hayden; the Chief Master Sergeant of the Air Force, Rodney J. McKinley; the Clerk of the United States Supreme Court, Major General William K. Suter, USA (Ret.); and former Air Force General Counsel, the Honorable Jeh C. Johnson. In addition, KEYSTONE hosted two panel discussions focused on leadership. The first comprised the sister service TJAGs and was moderated by Major General Charles J. Dunlap, Jr.; the other included several Air Force command chiefs and was moderated by Chief Master Sergeant Rodney J. Wilson.

In addition to captivating speakers during the plenary sessions, KEYSTONE 2007 offered scores of electives that encompassed over 40 different topics. These dynamic electives further illustrated the theme of Living the Vision and concentrated on critical issues facing JAG Corps members today, including cyberspace, Total Force Integration, joint basing, and command and control transformation. In addition to providing insight into the latest operational frontiers, the electives also provided important topical updates and reinforced the role JAG Corps members play in making sure the Air Force maintains an appropriate, fair, and timely military justice program.

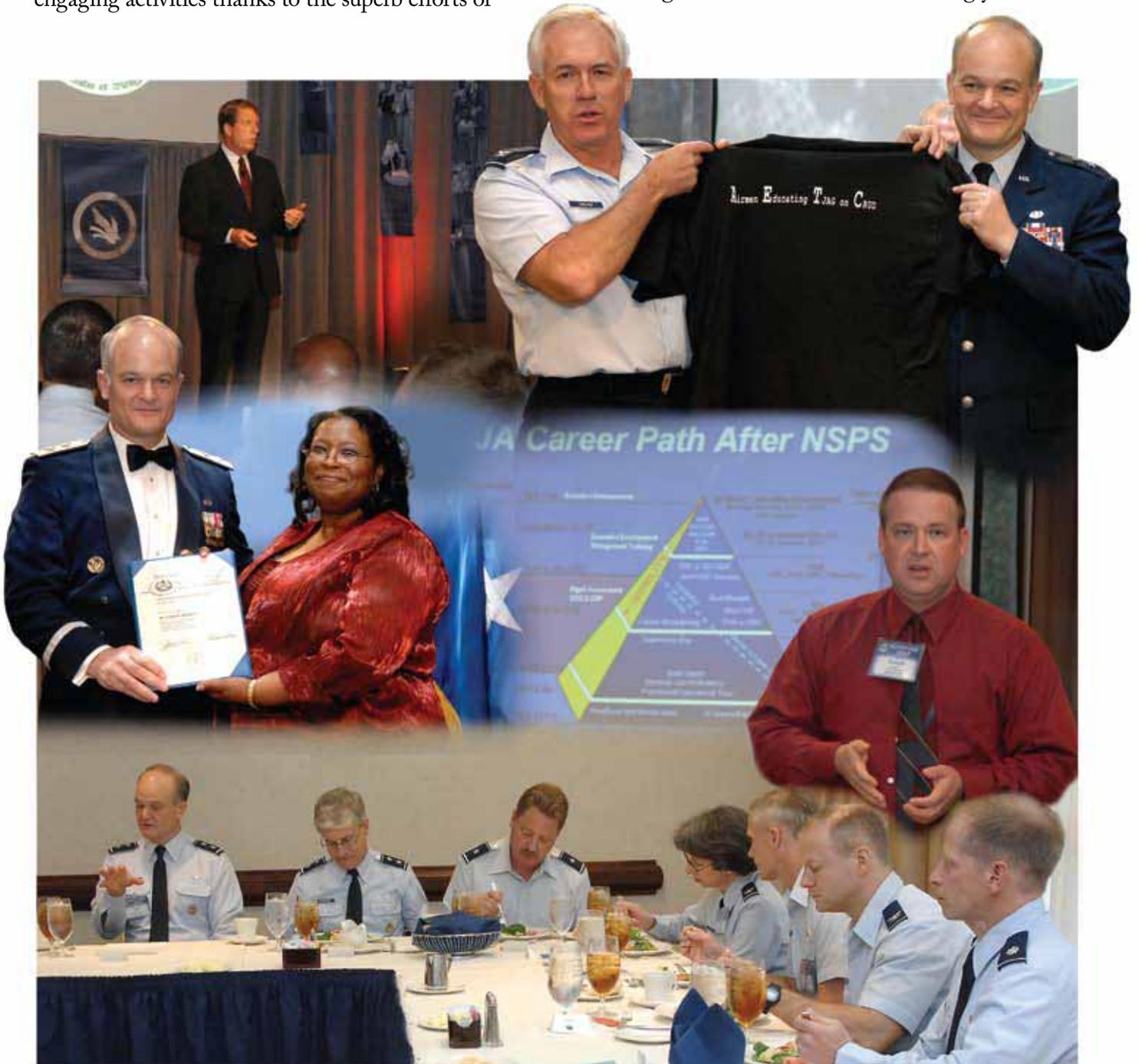
KEYSTONE 2007 also included a half day dedicated to leadership exercises. These exercises provided a forum for small groups to discuss and learn about leadership using real-life examples of leadership successes and failures. Lessons and examples developed during the exercise will be used to supplement the foundational and resource materials in *ILEAD! Developing JAG Corps Leaders*, which was introduced at KEYSTONE 2005.



KEYSTONE 2007 also provided the perfect venue for a number of annual JAG Corps events, including major command conferences, the JAG Corps New Colonels' Orientation, the Worldwide Senior Paralegal Workshop, and the TJAG Annual Awards Banquet. There were also professional development breakouts, working lunches for JAG Corps senior leaders, optional continuing legal education luncheons, and the Paralegal Association Awards Luncheon. The JA Spouse Connection offered spouses a host of special presentations and engaging activities thanks to the superb efforts of

Mrs. Joy Dunlap. And no accounting of a KEYSTONE summit would be complete without mentioning the Annual JAG Corps crud tournament in which AETC held on to the title and trophy for a second straight year!

KEYSTONE continues to be the premier summit that unites members of the JAG Corps team in purpose and effort and provides leaders with the absolute best tools for their success. Planning and preparation for KEYSTONE 2008 in Washington D.C. has already begun—we look forward to seeing you there!



# LAWFARE

*The following remarks, which have been edited for this publication, were made by Major General Charles J. Dunlap, Jr. at the KEYSTONE Leadership Summit on 22 October 2007.*



**MAJ GEN  
CHARLES J. DUNLAP, JR.  
THE DEPUTY  
JUDGE ADVOCATE GENERAL**

Many of you have heard me talk about “lawfare” over the years. Today I’d like to do a quick review and update. Let’s start with the obvious question: What does this concept really mean today? Law is becoming more and more of a strategic concern for our senior warfighters, largely because of globalization. The globalization of law is driven substantially by its economic dimension, because even countries with virtually no law as we would understand it in the West have had to develop legal processes to engage in economic trade. These economic incentives create a powerful engine of change. In my view, business law has driven this reconceptualization of international law. But like a lot of things, what happens in the economic sphere often impacts what happens in warfare.

Senior leaders recognize this more and more. The old concept of war has changed,

and it has now become very legalistic. Commanders today haven’t necessarily fallen in love with lawyers or paralegals or the legal profession in general, but they understand that they need to bring their legal capability with them. This change is a reflection of the reality of global war in the information age. We came up with the concept of lawfare to express to warfighters and others what this means and to put it in terminology that they would understand.

“Lawfare” has become popular terminology. If you search Google, you’ll now see almost 52,000 hits for the term when just a few years ago, you would have literally seen three. The way we use the term lawfare today, however, is a little bit different than the way it was originally employed back in 1975.

When we first started talking about lawfare, I had the hubris to think that I invented the term. The original concept of lawfare was very much a philosophy of law unrelated to armed conflict. The inventors of the term viewed law as being divided into two different philosophical bases. One was this idea of community or humanitarian law, which was based on Confucian values, and the other was based on Western values, what they called societal law. What they were talking about was a philosophy of utilitarian law. They were saying that Western law was a very aggressive type of law—lawfare—and it was something that needed to be replaced by a gentler, Confucian approach focused on meditated harmony and humane justice.

Today, we use the term “lawfare” quite differently. It is a concept that applies to actual warfare and not just the original authors’ concept of a philosophy applicable to dispute resolution. Today, we think of the term “lawfare” in a warfighting context. As it is correctly understood, lawfare is a strategy of using or misusing law as a substitute for traditional military means to achieve an operational objective.

I think it’s helpful to conceptualize lawfare as kind of like a weapon. Like any weapon, it can be used for good or bad purposes. Not all lawfare is “bad.” We in the United States use lawfare. For example, during Operation ENDURING FREEDOM, we used a legal instrument instead of traditional military means to control access to commercial satellite imagery. There were various ways that we might have been able to stop that information from getting to an adversary, but instead, we used a contract, a legal weapon, so to speak, to buy all available imagery so it would not



be available to the adversary. In the future, we'll likely use lawfare in the Global War on Terror whenever it will be useful in creating effects without recourse to traditional military means.

There was an interesting article in *U.S. News and World Report*, which articulated an important observation about how you go after terrorist organizations. It is not all about the kinetic means. This article discussed using legal means to attack the funding sources terrorists rely upon. In short, there are other ways to erode the enemy's ability to launch operations against us, and these will include more legal than kinetic capabilities.

Many of our adversaries employ an abusive form of lawfare that frequently involves the manipulation of our adherence to the rule of law. Why are they doing this? Quite frankly, our adversaries cannot confront us symmetrically in a traditional military sense. So they try to go after us asymmetrically. This is particularly true with respect to air power because most of our adversaries don't have that capability. They are helpless against air power, and in a real sense, lawfare now constitutes the principal way our enemies try to offset our air power capabilities.

The air weapon is extremely difficult for our adversaries to counter. In current operations, it is being used more and more as a counterinsurgency tool. We are capitalizing on the inability of the enemy to defend against air power in traditional ways. So the enemy is looking at other ways of doing so. Specifically, this makes compliance with the law of armed conflict (LOAC) critical because if our adversaries can create the perception, or exploit the fact of actual LOAC violations, they can create an effect much the same as if they had their own air force.

You might remember the Al Firdos bunker situation from the first Gulf War. We bombed a bunker that we believed was a command and control facility and, in fact, it was. But it was

also being used as an air raid shelter for the families of high Iraqi officials. The spectacle of seeing civilian bodies being dragged out of that destroyed bunker ended up having an effect that was the same as if the Iraqis had an air defense. We imposed all kinds of restrictions on ourselves on bombing downtown Baghdad. These restrictions created, in effect, a sort of air defense. Today, our adversaries are figuring out that it is cheaper and easier to wage lawfare against the United States than it is to build their own traditional air defense capabilities.

Moreover, what many of our adversaries are trying to do is to erode national will through actual or perceived ethical violations. They want to capitalize on our society's adherence to the rule of law. If they can make people believe that what we are doing is immoral, improper, or illegal, then they can create the effect that they want; that is, an erosion of the public support democracies need to wage war. This is why we need to be on high moral ground, not just because it is the right thing to do, but because of the practical implications it has for 21st Century warfighting.

Clearly, actual LOAC violations do have a real effect. Abu Ghraib was as much of a defeat as if we suffered one in a traditional military sense. And if you study what happened at Abu Ghraib, it did not start out with extreme sadistic acts. It started out as small acts of indiscipline, such as



## LAWFARE

people not wearing their uniforms correctly, calling each other by their first names, and not showing up for work on time. So when others ask you: “Why are you recommending disciplinary action on this little thing?” remember that big problems start out as little problems. That is why in a military organization, the role of military justice and discipline is so important. Left unattended, it may manifest itself as something big, such as the biggest defeat we have suffered in the entire Global War on Terror— Abu Ghraib.

Quite clearly, there is a direct link between adherence to LOAC and operational success. This is why General Moseley observed in 2006 that, “How we fight will determine what—or if—we win.” The way we conduct operations, if we are adhering to our values as Americans, will really define whether we win.

Lawfare gives greater impetus to military values, and it is a rationale for strict adherence to the rule of law. Having said that, some commentators are attacking the concept by giving it a very politicized interpretation.

In the July 2007 issue of *Harper's*, there was an article by Scott Horton that discusses lawfare. He cites the National Defense Strategy, which mentions how some adversaries are using judicial processes, and he interprets this to mean that anyone who tries to enforce the rights of people is acting in a manner consistent with enemy strategy. In fact, he says that the theorists of lawfare are equating people who are trying to make claims under the law with terrorists. This thinking is completely wrong in its interpretation, and characterized in the best possible light, is a misunderstanding of the concept of lawfare. Lawfare does not equate people appropriately using the courts with terrorists.

Properly understood, when we talk about lawfare and the rule of law, it is not only the illegal acts and how they are wrong in and of themselves that we must be concerned about. We also have to recognize that when we talk to commanders, this is not just some abstract notion of right and wrong. It is something that will have direct operational consequences.

Let me offer you a few examples of how lawfare can be used as a positive good. The Rule of Law Complex in Baghdad is a kind of green zone that has been built to provide a secure area for judges, prosecutors,



their families, and some prisoners. It is a safe area where the rule of law can be established, and is an important element of General Petraeus' game plan to show how long-term success will be meaningful. Although they don't use the term “lawfare,” it really is lawfare in a positive way because they're using a legal activity to defeat the insurgency. It is one element of a complex tapestry of a strategy to have success in Iraq—the kind of long-term success that will really be meaningful.

As many of you know, the Rule of Law Complex is supported by the Law and Order Task Force. There really is a “surge” occurring on the law front as well as on the traditional military front. This is a counterinsurgency strategy that goes beyond military force, and is a non-traditional means of addressing some of the underlying bases that are keeping the insurgency going in Iraq. The Law and Order Task Force is seeking to create a legal system that will base accountability on what you do as opposed to basing it on who you are. In other words, the system will be rooted in the traditional legal concept of fairness to all.

The positive uses of lawfare, looking for opportunities to substitute legal means for kinetic means, are really only limited by creativity. If you are living the vision of what we're trying to do with JAG Corps 21, to think creatively about how we deliver legal services and what legal services can be more useful to our clients, then this is something you should consider.

In addition, addressing the real and perceived legal issues will continue to be critical for success in the 21st Century with the kind of military operations we have. We continue to see challenges, and law is becoming a

strategic imperative. It is important when we talk to our operator clients that we speak in military terms that will resonate beyond just “we do it because it’s the right thing to do.” We must be prepared to provide thoughtful legal advice to commanders as they try to address complex problems because what we are seeing now is some well meaning, but erroneous overreaction.

Let me offer one example from Afghanistan. Following an air strike where some civilians were killed, a NATO spokesman erroneously asserted, “We never bomb anywhere where there are civilians.” But that is not the law, and it actually invites the enemy to do exactly what we don’t want the enemy to do if we really care about avoiding civilian casualties. If you put that word out, the enemy, especially an enemy that doesn’t have a moral basis or adherence to the rule of law, will surround themselves with civilians and create a sanctuary that they don’t deserve.

As we live the JAG Corps Vision, we have to be prepared to step up and guide commanders and decision makers. We need to do that with full knowledge of the situation, the doctrine, the weapons, the military piece, and the legal piece.

**QUESTION FROM AUDIENCE:** Even if there is no one who can match us symmetrically in air power, cyberspace is a new domain and many believe that our current and potential future adversaries can face us symmetrically in cyberspace. Have you given any thought to how lawfare may develop as we move into cyberspace?

**ANSWER:** I think that adversaries are going to try to capitalize on our legal structure. That’s why it is imperative that our legal structure match the existing technology so that we have the same options under the appropriate processes as our adversaries.

Our adversaries are looking for relatively inexpensive ways to offset our conventional military capability, and cyberspace is one of the main ways. One of the reasons the Air Force has redefined air power to include air, space, and cyberspace power is because we recognize that this domain is an area that our adversaries are already playing in now. It is not just in the information operations area where we see websites designed for propaganda and recruiting

and communicating. We will face a very aggressive, intensive form of cyber warfare in the future. We must review the legal architecture, especially the international legal architecture, because our adversaries are specifically constructing their cyber strategies to take advantage of the legal architecture as it exists today. This is an important area that we need to address.

**QUESTION FROM AUDIENCE:** How does the Air Force’s application of lawfare differ from the other services?

**ANSWER:** The Air Force has had a great opportunity that the other services haven’t necessarily had, and this has a lot to do with the way air power is used. We operate with centralized control and decentralized execution, so we have developed along with the concept of the air and space operations center (AOC). We now have lawyers fully involved in the AOC process. This is more difficult for the other services, especially in the land component, because of the way war is conducted in those domains.



The other part of it is that when a bomb goes astray, it is front page news. This is partly because of the way that we, the Air Force, have sold our precision capability. In some instances we’ve oversold it, creating a perception that we are perfect. Therefore, when something goes wrong, it seems that we’ve done it deliberately. So I think that we’ve helped



ourselves by embedding lawyers and paralegals into the operational world at very high levels through the whole process, something that is very hard for our sister services to replicate.

But today we are seeing JAGs in the other services being assigned down to the brigade combat team level and other levels because they are also recognizing what the enemy is doing with these incidents and how they are being exploited. The best way to stop the enemy from exploiting them is to prevent the incident from happening in the first place.

We are never going to get to the point where we have a lawyer with every rifleman, but we can create an environment where people are sensitive to these kinds of issues and are able to react and get the legal advice that they need on a timely basis.

To be able to do that, we as legal professionals, JAGs, paralegals, civilian lawyers, and civilian

administrators, must invest in understanding what our client is doing. In my experience, you basically get one opportunity with an operator. When they ask you a question, they ask you in their language. If you are not able to respond or you don't know what the question is, you will lose credibility and you may be finished. It wouldn't be so bad if it was just you, but the operation will also likely suffer.

In my experience, operators often think that there is a legal impediment when, really, it is a policy matter. We have to understand that distinction and make sure that what we are telling them really is the law versus what is within somebody's power of discretion as a policy matter.

We have done a really good job in terms of the JAGs that were embedded in the AOC, and I am very proud of the work they are doing. We have to go further and develop more overall knowledge within the Air Force of LOAC matters and international law, because they extend across the spectrum of conflict. We have taken some steps along that line.

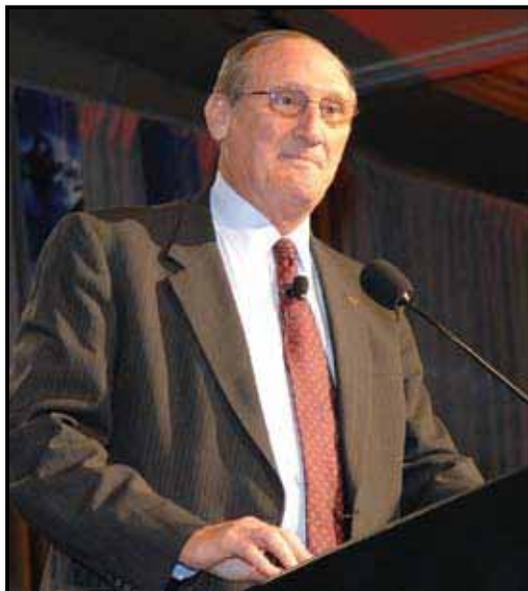
A few years ago, our combined forces air component commanders, the general officers in charge of our AOCs, didn't get much in the way of legal briefings as part of their training. Now, it is one of the biggest blocks of training and one of the most popular blocks. That is about as tough of an audience as I have ever briefed. But the reason they are a tough audience is because there is a greater recognition that this isn't just about doing the right thing, it's about having operational success. They are very interested in what the rules are, what the process is, and how they can get the best advice so that they make the right decisions.



*Major General Charles J. Dunlap, Jr. is the Deputy Judge Advocate General of the Air Force. Maj Gen Dunlap was commissioned through the ROTC program at St. Joseph's University in May 1972, and has deployed to support various operations in the Middle East and Africa, including PROVIDE RELIEF, RESTORE HOPE, VIGILANT WARRIOR, DESERT FOX, BRIGHT STAR, and ENDURING FREEDOM. He has led military-to-military delegations to Uruguay, the Czech Republic, South Africa, and Colombia. He speaks widely on legal and national security issues and is published in a wide variety of forums from law reviews to nationally circulated newspapers.*

# MY OBSERVATIONS ON LEADERSHIP

*The following remarks, which have been edited for this publication, were made by Major General (Ret.) William K. Suter at the KEYSTONE Leadership Summit on 22 October 2007.*



**MG (RET.)  
WILLIAM K. SUTER  
CLERK OF THE UNITED STATES  
SUPREME COURT**

When I was a lieutenant, a non-commissioned officer (NCO) told me, "Troops only need three m's: meals, mail, and money." Well, that NCO was wrong because I learned early on that troops also need leadership.

You can read about leadership and study it, and you start hearing the same stories over and over again. It's just hard to study. Justice Potter Stewart said it perfectly on another subject when he said, "I can't define it, but I know it when I see it." The same is true about leadership or the lack of leadership.

Unfortunately, most young people today don't learn much about leadership unless they have wonderful parents and excellent teachers. Many academicians don't know

much about leadership. Young people often finish college or graduate school without having really seen much leadership at all.

You are fortunate in the military because you see leadership starting on day one. As a lieutenant, many years ago, my bosses were fantastic leaders. I also discovered that I could learn much from the NCOs, civilians, and attorneys I dealt with.

I learned more from one sergeant major as a lieutenant and captain than I learned from anyone. He taught me administration, how to manage my hours, how to manage the day, and how to manage my cases. I thought I should report to him every day, and I did report to him every day. He'd say something like, "Lieutenant, have you finished with that law book, Sir?" I'd say, "Yes, Sergeant Major." He would tell me, "It wants to go back to the library." And I'd say, "Yes, Sergeant Major," and I would take it back to the library. I learned a great deal from him.

I also learned something else on my first tour because I had such good NCOs and officers around me, both JAG and non-JAG. I learned that to really enjoy yourself, you had to be "of the Army" and not just "in the Army." There's more than a semantical difference in those two phrases. I learned about doing business with someone in a brigade or battalion out in their command areas or the field instead of having them come to my office. I found it much more effective to go out to where they live. They liked to see a JAG some place other than the legal office.

My war, Vietnam, was a different war, but a lot of things don't change. Technology changes, but people and leadership and values don't really change at all.

When I served in Thailand, the Vietnam War was raging. I was a major, and believe it or not, I was the senior Army lawyer in country. My boss was Brigadier General Jack Vessey. He was an old timer who had been enlisted in World War II, and he had a battlefield commission. As an officer, he had an Article 15, and he was proud of it, too. Jack Vessey went on to become the Chairman of the Joint Chiefs of Staff, but at the time, he was a raggedy one-star in Thailand. I was a raggedy thirty-year-old major with about seven years of service.

One of our trucks was hijacked by some Thai people. It was filled with avionics for airplanes flying missions out of Korat and other bases into Vietnam. General Vessey told me to go out and get the parts back. I went out and met with the local officials, and after

## MY OBSERVATIONS ON LEADERSHIP

many dealings, I recognized they were shaking me down. I paid a claim for our negligence in allowing our truck to be driving on their roads and allowing it to be hijacked. This was a false claim. But after so many days of General Vessey telling me to get them back no matter what, I got them back. I paid an amount and got them back, and General Vessey called me in to tell me, "Good work, Judge." I said, "General, I've committed a felony," and told him what I had done. He said, "Let me tell you something, Judge; if some pointy-headed bureaucrat starts investigating this, you tell them Jack Vessey approved everything." I realized then that I had a leader, someone who would stick up for a little old major who did what he thought was right. We never got investigated, but I admired him greatly for backing me up.

At staff meetings, General Vessey would listen to his staff, and at the end, he would ask, "What will Rear Rank Rudy think about it?" He never forgot his origins as an enlisted soldier. Rear Rank Rudy represented the last person in the last squad who gets nothing when you run out of food, doesn't get a sleeping bag, and is always the last person in line. If we forgot about Rear Rank Rudy, sometimes we had to change what we were doing.

In Vietnam, just like you have in the war zone today, you saw leadership. Vietnam was an unpopular war. Hundreds of thousands of soldiers fought and never got the respect they deserved. To a great extent, Americans abandoned them. They burned down ROTC buildings. They burned down pharmacies. They burned down laboratories. Some visited North Vietnam to give comfort to our enemies. I'm glad we don't have that now, but don't let the criticism get to you.

Leadership can be exhibited in many ways. Sometimes it's exhibited in commitment. As a major in Vietnam, I worked with a captain who was just passing through, avoiding the draft, and serving his time. He wanted to get back to Alabama when the war was over, and his name was "Jimmy." Jimmy was assigned to prosecute an attempted murder case involving a fragging where a soldier planted a hand grenade to try to kill his company commander. The grenade blew off the commander's leg, but it didn't kill him. The case was difficult, and the evidence was hard to come by.

Jimmy got sick, and doctors told Jimmy he needed to be transported back to the States for surgery on his esophagus. Jimmy refused. He lost weight and got thinner and thinner. Jimmy survived on milkshakes for weeks, and he got sick in the office all day long. But he tried the case and got a solid conviction and sentence. The next day, we took him to the hospital to be shipped out of Vietnam. I pinned the Bronze Star on his pajamas, and he flew away. We never saw him again.



You know Jimmy. There are a lot of Jimmys and Jennys here now doing the same thing. That's leadership.

Great leaders have vision. In 1972, when I came back from Vietnam, I was assigned to the Pentagon to work for The Judge Advocate General. Our TJAG at that time was a man of vision, like other TJAGs and your TJAG today. He saw the war in Vietnam was ending, and he said we need a new commitment for the JAG Corps. He directed us to create a program to reach out to law schools with a summer intern program to attract youngsters to learn about us and perhaps join us, with an emphasis on recruiting minorities and women.

The job ultimately wound up in the hands of a captain. The captain who had to start the program, get the funding, write the papers, get the applications, and put a hundred kids in JAG offices in the very next summer, was named Captain Ken Gray. Later, he became Major General Ken Gray, and he's now the Vice President for Student Affairs at the University of West Virginia.

There's a lesson here, especially for junior officers. If you do those dirty little jobs well when you're a junior officer, you might become a senior officer.

As an old boss told me, the secret to success is not to be flashy. Just saw the wood in front of you and get your work done. One time when I was Commandant of the Army JAG School, I told a basic class exactly that. At their going away party, they all wore t-shirts that on the back said, "I came. I sawed. I conquered," which was a nice takeoff on Julius Caesar's phrase, "*Vini, vidi, vici.*"

Later, when I was chief of the personnel office at the Pentagon, our Judge Advocate General got a message from the commander-in-chief in Korea. The CINC's message said one of the JAG officers, Captain Wiley Beavers, had streaked through the officers' club with nothing on, and it said to get Capt Beavers out of the country now. The Judge Advocate General told us to send him to Fort Hood, Texas.

I called Colonel Hugh Clausen, the staff judge advocate at Fort Hood, who later became The Judge Advocate General. I told him he was getting Capt Wiley Beavers on short notice. I told him what Capt Beavers had done. Some officers would say, "Hey, you're not sending me that problem child." But Colonel Clausen said, "Send him on down. I'll take care of him. Give everybody my warm regards." He didn't jump on me or say he was going to have his three star call my two star. He said, "Send him on down." Beavers went to Fort Hood, and within a few months, he was out of the Army. He never knew what hit him.

As a lieutenant colonel, I was the SJA of the 101st Airborne Division at Fort Campbell. I had been there a very short time, and I learned we're going to have a division load-out practice. We had to put our vehicles and everything on flat cars to get ready to move for a ten-week maneuver in Germany.

I called our Sergeant Major in, whose name was "Big Pete." Pete was a big guy from Haiti with arms that looked like tree trunks, and I was kind of scared of him. I asked him about the division load-out, and Pete told me he had it all under control.

As a recent graduate of the Command and General Staff College and a pretty new lieutenant colonel, I thought I needed to check on this. I found out our load-out time was 0300 hours in the morning. I got up early, got my uniform on, fatigues in those days, and went out to the railhead to find the JA section.

It was cold when I arrived, and it started raining hard. I didn't have a raincoat. I found the JA sign and there was all of our equipment on the flat cars, tied down, ready to go.

As I stood there in the rain looking around, a voice came from nowhere, "Colonel Suter, under here, Sir. It's dry." There was Big Pete with two soldiers under the flat car, where it was dry.

I got under the flat car, and he said, "Here's your coffee, Sir. I knew you were coming." He told the two soldiers to move out. After they left, Big Pete looked me in the eye, over that hot coffee on a cold morning at Fort Campbell, and he said, "Sir, this is NCO business," very professionally and politely. And I said, "Sergeant Major, I understand."

I learned a lesson then. Don't start doing the NCO's business for them. They're just as professional as anybody else, maybe more so. Get good subordinates, train them, delegate authority, and get the heck out of the way. Praise them when they do well, but when they fail, take responsibility for them. They'll be eternally grateful to you, and they'll get it right the next time.

Another time at Fort Campbell, we were in the field living in tents. There's nothing like a bunch of JAGs trying to put a tent up and read compasses, but I made them all get out in the field so we could get ready to go to Germany. We were having coffee one night in the tent and here comes Private First Class Kowalski with something wrapped in a tarp under his arm. I said, "What you got there, Kowalski?" He took the tarp off and showed me a beautiful stainless steel gasoline stove. He said, "Sir, when we go to Germany, I'll keep the JAG tent warm, and I'll have coffee ready every morning."

I had a bad feeling about PFC Kowalski. The next morning, I went and found Big Pete and told him I thought Kowalski stole a stove. A few days later, I saw the Sergeant Major and asked him about the stove. He told me it was taken care of, and I asked him again what happened to the stove. He told me he found out that DISCOM was missing a stove, and he took Kowalski down there, made him apologize, and turn it in." He told me Kowalski would be cutting grass for two years.



By regulation, I was supposed to go to the military police and make a report and turn him in and probably give him an Article 15. But I didn't think that was right. He learned a lesson. I brought him in and told him that I realized it was for the good of the JAG tent, but how you just can't steal things. PFC Kowalski served well and got an honorable discharge. The last I saw of him, he was headed back to Milwaukee and he promised me he would go to college.

I guess an inspector general could have come in and done a job on me for my reaction to Kowalski, and I could have gotten a reprimand or something like that. But I thought it was right to save this soldier because I thought he had some good in him.

Our Division Commander of the 101st Airborne was Major General John Wickham, who later became Chief of Staff of the Army. He had proved himself in combat and as a staff officer. One afternoon, I was in General Wickham's office, working with him on court-martial business, administrative reprimands for DWIs, and so forth. He got to one and said, "What's this?" The recommendation from the brigade commander, a colonel, was an informal reprimand, not a career-ending reprimand, for a second lieutenant with a DWI.

General Wickham told me he thought the colonel was getting soft, and he told me to have the colonel come to see him immediately. I started to leave, and General Wickham told me to sit down. He wanted me to see this.

Pretty soon, the colonel arrived and saluted in. General Wickham lit into him. He said, "You're getting soft. What's wrong with that 2d Brigade down there? Everything you're doing is soft, soft, soft. This guy got a DWI, and he's a West Point graduate." I was slinking down in my chair as far as I could, and I wanted to be gone. The colonel looked up and said, "Sir, I understand everything you say, but with all due respect, that's my recommendation. Do what you think should be done, but I will not change my recommendation." Wickham dismissed him.

After he left, Wickham looked at me, and he said, "Don't worry, Judge, I'm just trying to teach him how to be a general." It was all an act. I later went down and told the colonel it was an act, and he was not amused.

That 101st Airborne Division Infantry Division colonel went on to be Chairman of the Joint Chiefs of Staff and Secretary of State. What if Colonel Colin Powell had knuckled under and said, "My mistake,

Sir. What I meant was a permanent reprimand, Sir." Colin Powell wasn't like that as a lieutenant, a major, a colonel, or when he was my neighbor and I worked with him all the time. He was a man of stature, a man of value. A man who could have been the President of the United States, but he had other things he wanted to do. He likes to work on old Volvos, so that's what he's doing.

Don't confuse leadership with popularity. It's easy to be popular. Leadership is much more difficult. Remember, all great leaders, at one time, were great followers. In addition, be careful not to confuse character with reputation. Character is what you are; reputation is what others think you are. Both are important, but character is paramount.

There are lots of styles of leadership. A few days before the invasion of Sicily in World War II, General Patton got all of his 7th Army generals together. He had his staff give a detailed briefing of the invasion. And then he gave a long and emotional talk to his generals about the morale and valor of the American soldier and what a great job they were going to do. And then he said, "Now, get the hell out of here, and I don't want to see any of you until I see you on the shores of Sicily."

Compare that to General Omar Bradley, who was a shy fellow, a quiet man. After he finished briefing his generals on the tactical details of the D-Day landing, he said, "Good luck."

Both of them were great leaders. Patton had the riding britches; riding crop; stars on his helmet, collar, and shoulders; and pearl-handed pistols. He rode around in a Jeep with the siren wailing all the time. People said he was just flashy, but he was more than that. Eisenhower said he was his greatest fighting general. He was wounded numerous times in World War I. He could put on that tough face, he trained his soldiers hard, and he was very successful. He also took responsibility for his actions.

A number of years ago, as a student at the Industrial College of the Armed Forces, I was on a field trip to Chicago. I was riding with the police at night to see what really goes on in a big urban city, and my host was a police lieutenant. He told me he was a 19-year-old rifleman in Patton's Army during World War II. He told me about a day as he was coming out of a

firefight and resting, when he saw Patton. He told me about seeing Patton standing up in his Jeep as he went by. He said everyone stood and cheered. I didn't ask him why, and he probably didn't know. But 30 years later, he was still animated. He saw his leader. He knew who his leader was, and he respected and admired him.

Now, if you ask some journalists, they'll first tell you that Patton slapped a soldier. He did slap a soldier who was feigning an injury to stay out of battle. He really shouldn't have slapped him, but he did. An enterprising reporter ran a story about it in the newspapers, and the politicians wanted to hold hearings. *The New York Times* ran a special article, asking, "What's wrong with Patton? Where's the discipline?"

Eisenhower called General Patton in and said, "George, don't do that again. That's your reprimand, now, get back out and win this war." A lot of people said Patton should have been relieved of command. But I answer that question with another question. Were we there to win a war, or follow some rules of etiquette, or suck up to some reporter or to kowtow to some politician? We were there to win a war. You and all of your clients must adhere to the law. No doubt about that, but you don't have to surrender just because somebody slaps somebody.

There are other types of leadership as well. George C. Marshall was Chief of Staff during World War II, and he later served as Secretary of State and Secretary of Defense. Somebody asked him after he retired from all of those jobs, "What was your most exciting moment in your professional career?" He said, "Being promoted to first lieutenant." He was from Virginia Military Institute, and he was a second lieutenant for five years. He was a lieutenant for 14 years before he made captain. And you think promotions are slow today?

When General Eisenhower became President of Columbia University after retiring from the Army, he bought his first automobile. He told his wife, "I spent our entire life's savings, after 37 years, on one automobile." That was all they had.

These people, just like you, were not in it for the money. The money is better now than it was in those days, and I'm glad for that. But you're here for a

## MY OBSERVATIONS ON LEADERSHIP

different reason, and it's not just to make a lot of money.

So how do you get leadership skills? To quote Yogi Berra, "You can observe a lot by just watching." Let me add some other nuggets:

Never miss a golden opportunity to keep your mouth shut.

Remember that you are a professional. Set and maintain high standards.

Two things nobody can teach you and you can't teach your juniors are good judgment and experience. Those things come with time.

I encourage junior officers to read biographies about famous leaders, both in the legal field and in the military.

Be positive. Anybody can gripe all the time, but it's a lot more fun to be positive.

Don't take yourself too seriously.

And lastly, be selfless.

I've been retired for 16 years, but I still believe in America and what we stand for and what you stand for. We are at war, but, it is a different kind of war. I'm thankful you are fighting for our freedom, and I'm grateful that you have leaders like I've seen here today: General Hayden, General Rives, General Dunlap, and a host of others who are providing the kind of leadership that you need. And I know that you who are junior to them are providing that same kind of leadership to your juniors. So I say to all of you, you will learn a lot more about leadership by watching them than you could ever learn from me.

**QUESTION FROM AUDIENCE:** It must have been quite a culture shock to transition from active duty to the Court. I was wondering if you had to adjust your leadership techniques when you got there to accomplish your new mission?

**ANSWER:** Whether you get out after three or 30 years, the transition is the same. You need to get dressed. Learn how to interview and how to look for jobs. Law firms aren't going to be calling you, "Hey, come and work for us." You've got to get out and look for jobs. But every one of you is marketable. I get calls

all the time saying, "I need a good officer, a JAG or an NCO, out here." Certain segments of our legal community, whether it is non-profits or the federal judiciary, want your leadership abilities rather than what you know about the law. A lot of them wouldn't know leadership if it jumped up and bit them on the nose, and that's what they're looking for.

When I left active duty, I went over and was interviewed by three Justices, and a day later was offered the job. I took it, and ten days later I was the Clerk. I left active duty, retired at midnight, and went to the Court the next day entirely clueless about what I was supposed to do. But what's new about that? You've done the same thing yourself. When you become chief of the litigation division, you don't know what you're doing. But you put a briefcase under your arm, and find your favorite NCO and say, "What am I supposed to do?" He or she will tell you, if you've been a good person.

A few don't get the transition. They don't dress right. They run around saying, "Roger that" and wear a compass on their watch. They give you grid coordinates when you ask where they are going. You must become a civilian, but you can do that overnight. You've been playing different roles your whole career and doing it well. Play like you're a civilian because civilians really want your leadership.

**QUESTION FROM AUDIENCE:** Can you describe some of the techniques you've seen from the two different Chief Justices you've worked for and what they've used that is effective?

**ANSWER:** The two Chief Justices I've dealt with were absolutely amazing. Chief Justice Rehnquist was the brightest person I ever met. He was an enlisted man in World War II. He was a meteorologist in North Africa, and he was very proud of his military service. He was in the Army Air Corps, then the Air Services, and then the Air Force. But he always said he was in the Air Force. I corrected him one time, and he said, "I can only be in one, Bill, and I'm choosing the Air Force." He was brilliant.

When Chief Justice Roberts came on board, followed a few months later by Justice Alito, it was seamless. Chief Justice Roberts had argued 39 cases there, and he knew how it went. Justice Alito had 15 years on the bench and he had argued 13 cases at the Court as an assistant to the

solicitor general. They are brilliant men. They listen. They don't talk; they listen. I've got a little book I've written for each one that I put in their chambers on their first day. It is a cheat sheet of how the Court works.

All nine of the Justices on the Court are very deferential to the military, and they respect you greatly. When I was selected and appointed, Justice O'Connor told me to just militarize the place. I got the message. They wanted automation; they wanted things to start and end on time; they wanted me to anticipate the Court's needs. They host West Point cadets and midshipman, and they are always going the extra mile for the military. It is a great environment, and we're proud of you.

told them the three rules were, "Play by the rules, be nice to the children, and have fun." I told my grandkids there is a fourth rule. You play to win. That might sound old-fashioned, but we're teaching children to just respect each other and everything will be all right, even if it is not.

Times change. We have to work within the system, taking young people sometimes right out of law school and teaching them the culture of the military. But I still think they're the same young people as before. Fight the battle and don't write them off. Your challenge may be a little more difficult, but I think you're up to it, and they will turn out to be just like you are.



**QUESTION FROM AUDIENCE:** You mentioned several times how many young people don't have leadership examples while they're growing up. Also, much has been written about how today's generation of 20-somethings want constant praise and expect instant personal fame and success. Over your long career in public service, have you noticed a difference in the quality of young attorneys, and do you see special challenges in developing a sense of public service in today's young legal professional?

**ANSWER:** A couple of years ago, I was at my lake house watching television with my two little granddaughters in my lap. A guy in a bear suit gathered all the little children to play a game. He

*Major General William K. Suter, USA (Ret.), has been the Clerk of the U.S. Supreme Court since 1991. He is the nineteenth person to hold that position. Prior to his current position as Clerk of the Court, MG Suter was a career Army judge advocate where he served in numerous positions of responsibility around the world, including as an appellate judge, deputy SJA of the U.S. Army Vietnam, SJA of the 101st Airborne Division, Commandant of the Army JAG School, and the Assistant Judge Advocate General of the Army, before retiring as a major general. He has continued his positive influence on military lawyers by repeatedly serving as a gracious host to Judge Advocate Staff Officer Course classes when they tour the Supreme Court.*

# SENIOR MILITARY LAWYERS LEADERSHIP PANEL

*The following remarks, which have been edited for this publication, were made as part of a panel discussion at the KEYSTONE Leadership Summit on 23 October 2007.*



**MODERATOR, MAJ GEN CHARLES J. DUNLAP, JR.:** What should Air Force judge advocates, paralegals and civilian lawyers and administrators, know about your service as we move more and more to joint operations? General Walker?

**BGEN JAMES C. WALKER:** The two things I guess you need to understand about the Marine Corps is first our size. We're small. We have 450 judge advocates. When you look at that pyramid, that means we have 33 colonel judge advocates in the Marine Corps. I'm not sure how many the Air Force has, but I'd say a couple more than that.

The second thing you need to know about the Marine Corps is our background. All Marine judge advocates are line officers first. When we come into the Marine Corps, we go to the same basic training that all Marine officers do. That's ten weeks of Officer Candidate School, six months of the Basic School where you learn all of the military skills of a line officer, and then we go to the Naval Justice School at Newport.

Throughout our career, we will serve in non-legal positions as well as legal positions, much like the Coast Guard. For example, I've had about 12 years in non-legal positions in my



**MODERATOR, MAJ GEN CHARLES J. DUNLAP, JR.**

career. Because our background is a little different than the other services, that changes sometimes how we look at the legal duties we perform. In the end, what we do is the same, but each service has differences, and we just approach it with a little different initial perspective, particularly in our training.



**RADM BRUCE E. MACDONALD**  
THE JUDGE ADVOCATE GENERAL  
OF THE NAVY

**RADM BRUCE E. MACDONALD:** In terms of the Navy JAG Corps, I echo General Walker's comments about size. We're about half the size, I think, of the Army and the Air Force. I have about 750 active duty judge advocates and about 460 paralegals. We're a little bit different in that we have specific lanes of responsibility between the Navy JAG Corps and Navy Office of General Counsel (OGC).



**RADM**  
**WILLIAM D. BAUMGARTNER**  
THE JUDGE ADVOCATE GENERAL OF  
THE COAST GUARD

For example, Navy OGC has fiscal law and contract law attorneys, and they handle primarily all of the business law aspects of the Department of the Navy.

Navy judge advocates rarely get involved in the business side of the practice of law. Our lane primarily is military justice, international law, and operational law.

We split environmental law. We have an operational environmental law component to the Navy JAG Corps that is increasingly important. As many of you know, the Navy is facing environmental challenges in conducting training and operations, particularly with respect to sound in the water and the operation of mid-frequency and low-frequency sonar. The Navy JAG Corps deals with that issue.

We also split advising on ethics with OGC, so I think that's a big difference between you and the Navy JAG.

**RADM WILLIAM D. BAUMGARTNER:** We are smaller than both the Marine Corps and the Navy. We have about 200 active duty JAGs, and about 50 of them at any one point in time are in operational billets. We have another 80 or so civilian attorneys. We are fairly small, but we are a larger percentage of the total force structure than any of the other services.

One of the many aspects of our service is that we're completely multi-mission. At all times, we have law enforcement authority and we are an armed service. We have those authorities no matter who we are working for.

We also have worldwide authorities, which is something that people often do not understand or realize. They might think we are limited geographically, but we're not. We are in all kinds of places all over the world. We typically don't have large numbers, as our Department of Defence DOD sister services do, but we are there.

We have a tremendous regulatory role that people don't always see. A lot of our efforts are spent working with the maritime industry and on environmental protection. That adds a very interesting complexity to our service. We're used to working with all kinds of people that don't wear the same uniforms, don't wear any uniforms, or aren't part of our country.

We're part of many different industry segments and organizations. A core competency we see in the Coast Guard is being bureaucratically multilingual. We can talk and bridge all kinds of cultures and organizations. We're also used to leveraging those different organizations because we can't get that many of our missions done by ourselves. We get them done through others, and many of those missions are done through

## SENIOR MILITARY LAWYERS LEADERSHIP PANEL

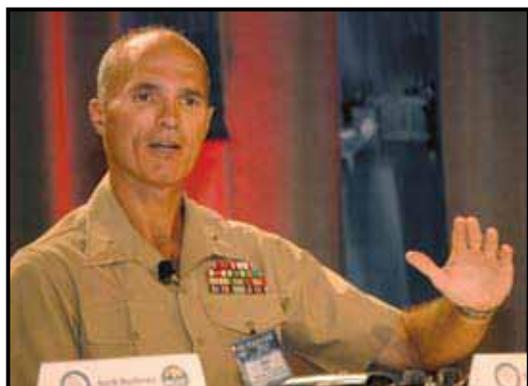
industry, other governments, and other agencies.



**MG SCOTT C. BLACK**  
**THE JUDGE ADVOCATE GENERAL**  
**OF THE ARMY**

**MG SCOTT C. BLACK:** The Army JAG Corps is a little bit bigger. As of yesterday, I had 8737 troopers and civilians. The breakout on that is just over 4100 active, guard and reserve judge advocates, 170 warrant officers, 3300 enlisted paralegals, 500 civilian attorneys, and 700 civilian paralegals. We're stationed in 632 offices in 19 countries right now. That's a heck of a force, and we have super troops across the board.

Challenge-wise, we are growing in the Army. As many of you know, we're adding 75,000 soldiers to our Army over the next three to five years. That is a recruiting challenge for us to bring that many extra soldiers into our Army every year.



**BGEN JAMES C. WALKER**  
**STAFF JUDGE ADVOCATE**  
**TO THE COMMANDANT OF THE**  
**MARINE CORPS**

That will mean growth for our Corps as well. I'm anticipating adding between two and three hundred additional slots over the next three to five years. We're adding six combat brigades to our formation. We're going from 42 to 48 maneuver brigades, that's armor or infantry brigades, with 3500 to 3700 soldiers each. As we do that, of course, we're adding judge advocate and paralegal billets to our formation.

And that's exclusive of the combat support and combat service support functions. We have about 200 brigades in the Army right now that do combat support and combat service support, which includes things like transportation, fire support, and maneuver enhancement with our engineers.

So my Corps is seeing growth. And again, I think we'll add between two and three hundred judge advocate and paralegal slots over the course of the next three to five years.

**MAJ GEN DUNLAP:** General Black mentioned some of the challenges the Army is facing. Do you all have any comments about the challenges, especially in the near-term, that your service JAG Corps and JAG Departments are facing?

**BGEN WALKER:** I think we face the same challenge as the Army. How do you meet the Global War on Terror (GWOT) demands on the ground? We've had great cooperation from all of the services, particularly the Air Force and the Navy, who aren't facing ground combat right now, to fill a lot of the additional billets. That's taken some pressure off of us. But our biggest challenge is how to meet the increasing demands on the ground with the force we have.

One thing we've seen in this war that is different is the use of judge advocates in combat. In the Marine Corps, we now place a judge advocate with each battalion. That's each force on the ground of between 800 and 1000 Marines. A judge advocate is embedded on the initial day with that battalion, goes through all the training with the battalion, goes to Iraq or Afghanistan, and stays with the battalion. This is great, and the commanders want and demand it. But we weren't structured for it. That's just not something we ever thought we would do. We frankly never thought a commander would let a judge advocate be in every battalion, much less beg for them.

It is a real challenge. It's a good challenge, but it's a real challenge to fill those billets. Without the assistance from the other services, we could not succeed.

**RADM MacDONALD:** In the Navy, we face a fight for resources. Over the last five years, the Navy actually has been in a drawdown. We started at about 375,000 sailors, and we are

currently at about 326,000 on our way to a floor of 322,000. I've just been notified that we are looking at cutting 17 judge advocates and about ten paralegals in the next budget cycle. I can't afford right now to give up anybody.

Given the GWOT requirements that General Walker talked about, we are increasingly in demand. As you know, the Air Force and the Navy have split manning Task Force 134 in Iraq between our two services. We are increasingly providing Navy judge advocates to the mission in Western Iraq, and I am rapidly running out of people that I can put to these assignments. So I'm very concerned right now about holding the line in terms of manning and maintaining a force of 750 active duty judge advocates to fill our emerging missions.

But more of concern to me right now is our paralegals, our legalmen of the Navy. We took a cut four years ago of 126 legalmen to pay a manpower bill. I happen to think that was the wrong way to pay the bill four years ago, and we're paying for it right now. Our enlisted paralegals are in increasing demand around the world in support of GWOT, and I really am stretched right now with 460 to continue to support the GWOT.

We have markers set throughout the different components in the Navy. If 20 percent of the active duty force at any particular pay grade is gone in support of the GWOT, that's the trip point where we can go to the Navy Reserve and ask them to come forward. I have hit the trip point at the O-3, O-4, O-5, and O-6 level on the active force. I am in danger of hitting the trip point now on the Reserve list in all of those categories as well. So that's our greatest demand.

**RADM BAUMGARTNER:** One of our major challenges right now is a planning for a significant transition that the Coast Guard operational and logistics forces will be undergoing in the next couple of years. When your clients radically change their organizational structure, it changes your work.

We currently have a very efficient organizational structure for delivering legal services in the field because most of our support or logistics clients are currently located in Portsmouth, Virginia, and Alameda, California. However, they will soon be

following industry and will organize around product lines. This will be radically different and will present a major challenge for us.

We also have acquisition challenges. We are recapitalizing most of our offshore cutter and aircraft fleets through a \$24 billion procurement project spread out over 25 years. That may not be much in DOD terms, but that's huge for us and poses tremendous contracting challenges. Since I am also the Chief Counsel for the Coast Guard, I can't turn elsewhere for help with that. That's a tremendous challenge.

Lastly, we have some interesting developments with some of our traditional roles and the current emphasis on security and the War on Terror. There is some backlash, frankly, from our having spent much of our energy and intellectual capital in the last six to seven years focusing on the War on Terror and increased security measures. Many of our traditional regulatory constituencies, including some of our committees in Congress, are concerned that we may not have been spending as much time looking at other regulatory areas dealing with commercial industry. That impacts our ability to influence the international maritime community bodies, like the Maritime International Organization, in getting agreements that we need to increase security, such as long-range tracking and identification and other security arrangements. So that's a significant challenge for us.

**MG BLACK:** Our first challenge is force structure. Frankly, when we rebuilt the Army over the last three years, we outpaced our personnel development system. When we built the Army's brigade combat team formation, we built in judge advocate positions for majors. I have plenty of people and I'm at full authorized strength across the board, but I'm short 150 majors. It takes five to seven years to grow a major in our Corps. We need to train them and give them the experience that's necessary to serve with a brigade combat team as a stand-alone judge advocate. My challenge right now is to find enough senior captains as part of our graduate course where we build the experience and train our majors to tide us over while we get past this personnel bubble.

This issue applies to my paralegals as well. About six or seven years ago, in response to DOD demands, we cut administrative positions in favor of warfighting

## SENIOR MILITARY LAWYERS LEADERSHIP PANEL

billets. We took billets that were perceived as admin—paralegals were included among them—and converted them into foxhole positions, such as line infantry troopers and cavalry scouts. When we did that, we gutted our paralegal force and the admin side of our force structure.

So, for example, in my Training and Doctrine Command, which is a place where soldiers would serve in a relatively stable billet for about three years after they've been deployed with a line infantry division, we took out those admin positions about six years ago. When we did that, we eliminated opportunities, and now my paralegal force is looking at back-to-back line assignments. For us, of course, that means back-to-back deployment opportunities. Someone going to a combat brigade or a support brigade in the United States Army right now may deploy for 15 months, have 12 months at home, and then deploy again for 15 more months. It is wearing my paralegal force out.

The second challenge that the Army faces right now is our evolving mission sets, such as civil affairs and nation building. It's a challenge for us to develop doctrines and systems quickly and to understand the nuances of those businesses. One example is addressing the interagency process and how our junior judge advocates, principally our captains and younger majors, operate in the interagency arena. We've had to completely revamp our training programs to accommodate that entirely new mission set. Many of you have been helping in this arena, and we really appreciate it. It has been a huge struggle for us to keep up with demand, particularly as our units operate fairly independently when they're deployed and moving.

**RADM MacDONALD:** One of the things the Navy is facing right now is on the retention front. It is a career milestone for Navy judge advocates to go to sea. When you add in the ever-increasing demand for deployments to Iraq, Afghanistan, Horn of Africa, and Guantanamo, we have folks deploying for six months and then coming back and reporting for a three-year sea duty.

That is impacting retention among our mid-grade officers and our enlisted paralegal force. We're really putting stress on our force right now, and I worry about that in terms of long-term retention.

**MAJ GEN DUNLAP:** An important issue for all the services is retention of the best and brightest. How do we make sure that we keep the best and brightest?

**BGEN WALKER:** I think the real challenge for retention is how to continue to challenge young judge advocates who have operated in a deployed environment. We have lieutenants and captains making decisions that ten, 15 years ago would have been made by lieutenant colonels and colonels. For the Marine Corps, how do we take a captain who's been with the battalion in Iraq where he's literally been making life and death decisions, negotiating with sheiks and local officials, advising commanders on use of force, helping save lives, and then bring him back to try special courts-martial and work in the legal assistance office?

This has been hard for us to adapt to. Everybody wants to keep moving up, but how do you move up after a beneficial, rewarding, and satisfying combat tour? Where do you go after that and how do you retain and challenge those judge advocates? The same is true for our paralegal force. It's even a greater challenge, frankly, for them, because they are really utilized when they're deployed.

We are trying to meet this challenge through leadership. You have to adapt how you lead and delegate authority. You have to give new responsibility that you didn't before. Most of the time, junior personnel can do a lot more than we previously allowed them to do.

**MAJ GEN DUNLAP:** Are you seeing issues that indicate any disconnect between compensation inside and outside the JAG Corps? What about family issues? These seem to be our big limiting factors in retention.

**RADM MacDONALD:** We're dealing with those issues as well. What we can offer, and we are trying to do this now in the Navy JAG Corps, is lifelong learning education. Civilian institutions and civilian law firms cannot offer this. We have a competent post-graduate school program in the Navy, and I'd like to see post-graduate school offered for every Navy judge advocate who continues for a career. We are working towards that goal.

Judge Advocate Continuation Pay is a good start, and there has been some work recently on a college loan forgiveness program that Congress passed last year. All of that is good for retention.

On the family side, we recently put together some women focus groups and talked about these issues. I learned about an unintended consequence of one of our programs. In the Navy JAG Corps, the time to go to post-graduate school is at the O-4 level. We don't generally like to see folks go as O-3s, and we also had a policy to not let O-5s go to post-graduate school, because the prevailing wisdom at the time was that they would finish their degree, pay back their requirement, and leave the service for greener pastures on the outside. We also have a sea-duty marker, and you have to go to sea as a Navy judge advocate if you want to get promoted. That also happened at the senior O-3, O-4 level.

The problem we found, particularly with dual-military or dual-professional couples in the Navy JAG Corps, is that people were waiting longer to have children. Women were waiting until they were senior O-3s and into their O-4 assignments to have kids. Since we had narrowed the window for our officers to go to post-graduate school and done the same with sea-duty, we were giving them the choice of doing two of those three things as an O-4. You realistically can't do all three things in the time you spend as an O-4 before you're up for O-5. So we opened the aperture for sea duty and for post-graduate school. We let all officers go to post-graduate school from senior O-3 all the way through O-5, and the same with sea duty.

When you make changes like these, you really have to be worried about promotions. With so many of the issues we faced and changed through a policy change, we have started to provide specific guidance to promotion boards to ensure that they understand the change that we are after.

**RADM BAUMGARTNER:** We don't really face quite the challenge our sister services do. We're doing fine, and we have a couple of things that help out with some of the issues Admiral MacDonald just mentioned. We have a program that allows officers to take a two-year sabbatical for certain purposes, such as newborn children. I found out last week that one of my O-4s who's a rising star is going to do that, but we expect

that we'll get her back in two years. It has helped us to have the option available to relieve some of those stresses.

Overall, the challenge of the job, the commands people work for, and the supervisors they have are the best retention tools that we have. If we do have threats to retention, it's oftentimes other agencies making attractive offers. I've lost a couple of people to the Department of Justice in the last several months and to other agencies that want people with the kinds of skills our judge advocates have. But we're doing okay for the most part on these challenges.

**MG BLACK:** We made changes in our Corps over the last few years that have changed the way our young officers come in and their expectations. First, we extended our initial commitment from three to four years. You all did that a long time ago, but we had to keep ours at three just to have a fighting chance in the recruiting realm.

We extended initial commitments because we added a new training regimen called the Basic Officer Leadership Course for all of our Basic Course students. This is the same training every other lieutenant gets when they come on active duty, and it's very much patterned after the Marine Corps Basic Course. The effect of adding this course is that our officers don't reach their first duty assignment (their first JAG office with their first staff judge advocate) until about six months into their active duty commitment. With a three-year commitment, they only had two-and-a-half years in their first assignment. We increased the commitment to four years, and we've watched to see what the impact would be on our recruiting. So far, they continue to come.

We put our first Basic Course through the Basic Officer Leadership Courses at Fort Sill, Oklahoma, and Fort Benning, Georgia, in classes with infantry, field artillery, and all the basic branches. There were ten platoons at Fort Benning in the first class that our junior officers participated in, and three of the ten distinguished leadership graduates were judge advocates.

You know what's cool about that? It's not that I had three soldiers who finished at the top of the heap in their platoon against everybody else. What's cool is that there were 200 lieutenants who left that Basic

## SENIOR MILITARY LAWYERS LEADERSHIP PANEL

Course thinking, “Geez. The JAGs are really good.” This changes the way our soldiers look at judge advocates across the board.

In recruiting, I am interested to know why our new judge advocates are joining our Corps. It is competitive to come into our Corps. We have six to nine applicants for every position we have. I know you can find a job on the outside making a heck of a lot more money. So why are they coming? They’re coming because they want to serve, and that’s astonishing.

What worries me is when the ops tempo starts to slide off or the thrill of serving either in the deployed arena or supporting our combat forces starts to diminish, the opportunities start to diminish. Am I going to be able to continue to draw them in? So I am concerned about recruiting and retention.

Continuation pay is too low. In our last three basic classes, the average debt load for our students was over \$85,000. That means that’s a \$1400 per month federally insured student loan repayment from day one. Captains under two years for pay purposes makes about \$2800 take-home pay, so they’ve got \$1400 in their pocket. That’s what an E-4 makes in our Army. I worry about that, and I think we need to push continuation pay up to meet the reality of law school debt load right now.

**QUESTION FROM AUDIENCE:** I’ve been out in the joint environment, and it seemed to me that my Army and Marine counterparts all were required to obtain their LL.M. from the Army JAG School. Is that reality, and if so, how do you finance that?

**MG BLACK:** Every one of our officers has to go through the Army Judge Advocate General’s Legal Center and School in the Graduate Program. That occurs as a senior captain and very junior major.

The Army funds our program through G-3 training funds. They recognize the value of training for our future leaders. The equivalent kind of training is already occurring for every other branch in the Army. They all have advanced courses that they go to at about the same time in their respective careers. Our Graduate Program is a great program, and we’re happy to be able to share it with all the services. And indeed, all the services are participating across the board, and we’re going to continue to push it hard.

**MAJ GEN DUNLAP:** General Black, do JAGs typically also go to the Command and General Staff Course?

**MG BLACK:** Yes. Army JAGs are required to also attend the Command and General Staff College. There are different ways to do that. You can go in residence, which is a year-long course at Fort Leavenworth, about three to five years after completing the Advanced Course at Charlottesville. As an alternative, we have another program that allows our officers to complete their Command and General Staff College requirement on a compressed schedule in about three months at a number of locations around the continental United States.

The bottom line is, if you’re a major in our Corps and you haven’t completed Command and General Staff College or its equivalency by the time you meet the lieutenant colonel board, you will not be selected for promotion, period.

**QUESTION FROM AUDIENCE:** What advice would you give to a judge advocate who asked you, “If I had time to read one book, whether it be a novel or whatever, before I come to work with your service, what would that book be?”



**BGEN WALKER:** I'd go back to Thomas Friedman's, *The World is Flat*, which is a good analogy of the way the Marine Corps operates today. We have a decentralized rapid-paced operation where decisions are pushed down to the lowest level. One distinction in how we operate as Marines is our view generally that you don't have to find a regulation that allows something, just so you don't find anything that prohibits it.

**RADM MACDONALD:** *Leadership is an Art*, by Max De Pree. This continues to be the book that has most influenced me and my leadership style. It talks about the concept of covenant leadership, which is about building covenants and the exchange of promises between the leader and subordinates. I like to focus on what our subordinates want in their lives, and it is incumbent upon us as leaders to provide for them so that they have a rich and rewarding career.

**RADM BAUMGARTNER:** With attention spans being what they are today, I'd tell them to watch the movie, *The Guardian*. That movie offers a good slice of what the Coast Guard is about and some of the culture there. I think Thomas Friedman's earlier book, *The Lexus and the Olive Tree*, is absolutely fantastic. It sets the stage for the world we have right now with transnational actors and super-empowered individuals. *The World is Flat* is a great follow-up to that book.

One book I like to have my judge advocates read is Malcom Gladwell's, *The Tipping Point*. It is about how to facilitate change, the actual influences on organizations, how to set the environment, and other things that are usually overlooked. The book demonstrates the impact good judge advocates can have in setting the environment so the organization goes where they want it to go. The book includes a concept that I like to use, "You don't have to be in command to be in control." Judge advocates have a tremendous amount of power if they understand that and some of the book's other principles.

**MG BLACK:** Anton Myrer's, *Once an Eagle*. I need you to understand what it's all about to wear green and stand side-by-side with someone else who might have to get up out of a foxhole at two in the morning when it's raining and cold and you're scared to death and take one step forward. I need you to understand that spirit when you come work

with us. I'll teach you what you need to know to be effective when operating in a joint environment, but I need you to understand why it's special to wear green and do what we do for a living. Anton Myrer's *Once an Eagle* captures that wonderfully.

**QUESTION FROM AUDIENCE:** As our services move more and more to joint-basing arrangements, do you agree that commanders should be advised by same-service staff judge advocates? If you agree with that concept, how would you articulate that desire to policymakers?

**BGEN WALKER:** Some civilian leaders don't understand that there are valid reasons to have four services using one Uniform Code of Military Justice (UCMJ) and that we don't need one megaservice using one UCMJ. They don't understand the roles that service values, service cultures, and service identities play as the commander uses the UCMJ to effect its real purpose of good order and discipline. We fight this battle on a regular basis, and we will continue to fight it. We will not have a joint base with one megaservice operating one military justice system. It won't work that way, and I don't think our commanders would tolerate it.

**RADM MACDONALD:** Our commanders benefit greatly from judge advocates' advice who have grown up in the system and who understand the culture, problems, and issues that come up in our different service environments. I think it's absolutely vital that we preserve that service function. That doesn't mean that there aren't other places for us to act in a more joint manner, but this is an area where we need to preserve service identity and culture.

**RADM BAUMGARTNER:** Military justice is a command issue. In the field reorganization that we are looking at in the Coast Guard, we are trying very hard to keep the military justice convening authority tied to the command. The more you move away from that model, the less effective the military justice system is going to be and the less stake the commander has in it. I don't think that is good.

**MAJ GEN DUNLAP:** I'll add something. I think one of the challenges that we have is to make sure our civilian powers know that the great strength of the U.S. military is the fact that we have different services who look at warfighting issues differently. That's what

## SENIOR MILITARY LAWYERS LEADERSHIP PANEL

gives us our ability to adapt and makes us such a hard target for our adversaries. That carries through in the command prerogatives articulated by the members of this panel.

**QUESTION FROM AUDIENCE:** The theme of this year's Keystone Conference is "Living the Vision." Could you please talk about the vision of your service JAG Corps?

**MG BLACK:** We have a mission statement and vision statement, which are focused around six strategic goals that reflect our core competencies. From a strategic perspective, each year we evaluate where we are headed in terms of our strategic posture, our thinking, and our goals and vision. My leadership team meets once a year to revisit where our Army's come, what our mission sets look like, and whether our vision for providing trained and ready soldiers to support the nation's warfighting efforts matches the need. Our vision statement is a living document, and I'm pretty sure yours is, too.

**RADM MACDONALD:** A year ago, we published our Navy JAG Corps Vision with our strategic plan called JAG Corps 2020. When we created this document, we worked to get a sense of where the Navy and Marine Corps would be in 2020 because you need to understand where your service is going to go before you can build your own vision and strategic plan for creating the legal force that you need to serve the larger force.

Our vision is pretty simple. We believe in the year 2020 that we're going to be a much more expeditionary force. We've decided that we are going to be generalists because we think that our commanders in the future who are at sea or deployed will need generalists with them, providing a wide range of legal answers across a wide range of disciplines. These expeditionary judge advocates who are generalists will reach back via technology to specialists at home for specialized advice. At the headquarters, we are now investing in civilian deputies with the long view, if you will, of a particular subject matter so that we have subject matter experts who can provide continuity over time.

We also have completely revamped our Reserve component. We have some wonderful Reservists who, in their civilian practice, are general partners in admiralty law firms. For years, we've been using



them when they come on active duty to perform legal assistance. I don't happen to think that it is a good utilization of someone who has years of experience in a discipline that is core to the Navy JAG Corps.

So our visioning has led us to re-embrace being generalists. We need to invest in technology that allows the kind of robust reachback that you need. We are stationed on ships, so we need to be able to get on the computer and log on anywhere and connect with our communities of practice to get specialty advice that we are building back home.

Let me say one more thing about strategic planning. I can't tell you how many strategic plans I have seen in my career. There was a lot of time, thought, and effort put into them. Afterwards, everybody patted themselves on the back for a good job done, and then the plan was put up on the bookshelf, never to be pulled down again. It is vitally important for all of you to embrace the Air Force vision on strategic planning. As leaders, it's incumbent upon all of you to get out there and execute to it and communicate.

That's where we are right now in JAG Corps 2020. This first year has all been about executing and communicating. My previous Chief of Naval Operations used to say, "There are wonderful, great strategic plans out there, but most of them fail. They don't fail because they weren't good plans. They fail because they were under-executed and under-communicated."

That is where strategic planning can go wrong—we need to keep the drumbeat going as leaders to execute the plan that we've decided upon and then communicate it to everybody in the organization. I firmly believe you cannot communicate enough with your people about your vision and your plan.

**MAJ GEN DUNLAP:** I'd like to give our panelists an opportunity for some final comments.

**MAJ GEN BLACK:** America still loves us. I lost another paralegal soldier on 17 May 2007. Corporal Coty Phelps was killed in action just south of Iskandariyah, Iraq. We also had a number of wounded as well this past year, but I attended Coty's funeral services in Kingman, Arizona, which is a small town in the northwest corner of Arizona. When my wife and I drove into town and hit the main drag, there were people lined up on both sides of the street. There were flags and signs saying, "Coty Phelps, our Hero." It was extraordinary.

We have some huge challenges ahead of us in the military legal profession. We must think about our role and the independence of judge advocates at the junior level. We are moving more and more toward independent units that are operating in a joint arena, and we're putting junior judge advocates out there. The challenge for us is to make sure that they don't get overwhelmed by the psyche or the sheer presence of that senior colonel who is commanding that particular unit on that particular day.

Perhaps more important for us institutionally, we need to think about senior leadership and our independence. You have likely seen some of the debate recently about senior judge advocates playing too great a role in the policy-making process in the Department of Defense and elsewhere in our country's Executive Branch. That is wrong. We should be playing a role. Each of you needs to think about your individual role in the policymaking process of our respective services, and we need to aggressively guard against efforts to erode your role in that process.

**RADM BAUMGARTNER:** I would echo what General Black just said. We can do a tremendous amount of good in the policy arena. In fact, I sometimes can't keep enough senior level judge advocates in judge advocate billets because they are wanted elsewhere to help formulate and debate policy issues. I think that's a role that the judge advocates should have. Judge advocates have a tremendous role to play in developing policy and being the voice of the conscience that needs to be heard by commanders and senior civilian leadership.

**RADM MACDONALD:** Speaking about the speed of information, it is a struggle for us everyday to get ahead of the information chain. Things happen so quickly, and we are always in a reactive mode. We must find

ways to manage information and knowledge in ways that give us almost instantaneous access. The Navy is dealing with issues on a lot of different fronts, most notably, as I mentioned earlier, the environmental front. We routinely get beat by nongovernmental organizations and others in the civilian sector who get ahead of the information loop and constantly beat us to the punch. This is something we really need to work hard to overcome.

**BGEN WALKER:** It is not enough just to be a legal specialist. You have to be a Soldier, Sailor, Airman, or Marine. You have to know your service. If you can't enter into a discussion about airframes, air types, ground tactics, ships, or other issues with commanders, then your legal advice is probably not going to be heard or followed to the degree it should. You have to be lawyers and leaders. You must read, know, and understand Air Force doctrine to properly apply the law. Doing so gives you credibility with commanders; it allows you to do your job.

*Major General Scott C. Black is the 37th Judge Advocate General of the U.S. Army. He was commissioned as an armor officer through the ROTC at California Polytechnic University where he received a Bachelor's Degree in Political Science. After serving three years at Fort Ord, California, he attended California Western School of Law in San Diego. Maj Gen Black also holds a Master's Degree in National Resource Strategy from the National Defense University.*

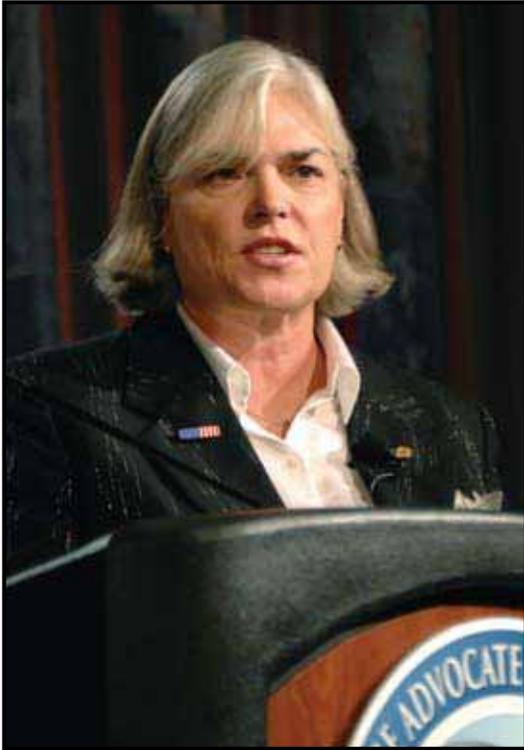
*Rear Admiral William D. Baumgartner is The Judge Advocate General and Chief Counsel of the U.S. Coast Guard. After graduating from the U.S. Coast Guard Academy, RADM Baumgartner specialized in surface operations before joining the Coast Guard's legal program. RADM Baumgartner obtained his Juris Doctor degree, magna cum laude, from Harvard Law School.*

*Rear Admiral Bruce E. MacDonald is The Judge Advocate General of the U.S. Navy. Originally from Cincinnati, Ohio, RADM MacDonald served as a surface warfare officer prior to entering the Navy JAG Department in 1983. Since 1983, he has served in a wide variety of legal assignments both at sea and on land, culminating with assumption of duties as The Judge Advocate General of the Navy in July 2006.*

*Brigadier General James C. Walker is the Staff Judge Advocate to the Commandant of the U.S. Marine Corps. A 1979 graduate of the University of South Carolina School of Law, Brig Gen Walker has held a variety of positions with the Corps, to include Deputy SJA to the Commandant and Deputy Director of the Judge Advocate Division. Brig Gen Walker served as the Military Secretary/Executive Assistant to the Commandant before assuming his current position as Staff Judge Advocate to the Commandant and Director, Judge Advocate Division.*

# AN ENDURING PARTNERSHIP: MILITARY LAWYERS AND THE ABA

*The following remarks, which have been edited for this publication, were made by Ms. Karen J. Mathis at the KEYSTONE Leadership Summit on 23 October 2007.*



**MS. KAREN J. MATHIS**  
**IMMEDIATE PAST PRESIDENT,**  
**AMERICAN BAR ASSOCIATION**

In 1972 I entered law school at the University of Colorado. The next summer, I went to work in legal assistance as a civilian at Fort Carson, Colorado, where my dad retired from the U.S. Army. I was 22 years old. Since that experience working at Fort Carson, my career has never taken me very far from servicemen and women. In addition to my dad, my sisters both served with honor and distinction in the Navy; I have another niece who served in the Navy; a niece and nephew now in the Air Force; and two uncles who served in the Coast Guard.

Military men and women are familiar to me, and they are familiar throughout the

American Bar Association. I am very proud of our servicemen and women, and I am proud of the lawyers who care for them while live ammunition is flying. As military lawyers, you are part of a significant legal community, and you are an important and growing part of the ABA's mission.

The American Bar Association is 420,000 members strong. We're a voluntary bar, and we are the largest voluntary professional organization in the world. We have 900 employees in the United States, and we have 450 employees outside the United States working in 40 nations to train judges and build the rule of law and independent bars. I suspect that the ABA is in many of the same places where members of the JAG Corps are now serving. And we work closely together as opportunity and need demand.

The relationship between the ABA and members of the JAG Corps is based upon mutual respect, trust, and a desire to promote freedom, justice, and assistance to servicemen and women and their families. For generations, military lawyers—active duty, Reserve, and retired—have been active at all levels of the ABA, and the ABA has long provided extensive and practical support to the JAG Corps. During World War II, the ABA began working very closely with the Armed Services on educational programs, legislative efforts, and other activities related to military justice.

The ABA also certifies paralegal institutes, programs, and law schools. We were honored to work with the JAG Corps to accredit the paralegal degree program offered through the Community College of the Air Force this past year.

But the ABA's support for the military goes way beyond support for working members of the JAG Corps. It goes to the family members of the military men and women with whom you serve. Providing legal services to military families is critical at this very difficult time in our nation's history. And the members of the ABA stand ready to help you in that task.

When servicemen and women deploy to war zones, often for a year or longer and often for repeat deployments, it is incredibly hard for the households and families left behind. These departures leave huge gaps in families' lives, and many of those gaps require the services of a lawyer, whether that is the assistance of a military attorney or those of a civilian volunteer.

An example of how the ABA has reached out to military families is Youth at Risk, a program developed last year. Military children

are of special importance to me because of my own upbringing. My dad was deployed many times and we moved frequently, so I went to ten schools before I got out of high school. Every year I was in a different school, and I was one of those kids who were potentially at risk. I had way too much energy, and I knew how to get in trouble. But I had a community around me that helped me. Unfortunately, that community is not there for many of our kids today. Youth at Risk concentrates on status offender 13 to 19 year olds who are a downhill slide towards the juvenile or criminal justice systems, including kids who have been truant, violated curfew, run away from home, or become involved with drinking or drugs.

As we began to hold meetings on the program, we found that we needed lawyers with military backgrounds. Will Gunn, a recently-retired Air Force colonel who is now the CEO of the Greater Washington, D.C. Boys and Girls Clubs, is serving as chair of the ABA Youth at Risk Commission this year. We also are very fortunate to have the perspective and the hard work of Marine Brigadier General (Ret.) David Hague working on the project. Thanks to their leadership and the leadership of others, it became evident that the children of our military personnel, some 1.2 million of them, face many of the same issues as children in civilian populations. Their needs are distinct, but they are often similar.

Youth at Risk's first deliverable was the Community Round Table, an initiative to bring together local leaders from the judiciary, government, youth organizations, and the bar to talk about the issues facing young people in their communities. Many military children are not living on bases now, and many kids live with extended family when their parents deploy or travel, which puts them back into a civilian population. We held one of the first round table sessions at Hill Air Force Base, Utah, where the local staff judge advocates, Colonel Rebecca Weeks and Lieutenant Colonel James Durant, convened the meetings. We also held sessions at Fort Sam Houston and in Washington D.C.

From these efforts, we discovered many important things, and we found the meetings were a great way to reach across barriers between military and civilian authorities. The discussions offered an opportunity for military and civilian authorities to work together to help our nation's children. I know how busy all of you are, but I encourage you to consider holding similar meetings. Doing so will take you less than two weeks. You can talk to Col Weeks and Lt Col Durant about their experiences, and you can find all the information you need on the ABA website

Let me share some of the ABA's other initiatives this year. When military children live with collateral relatives, we found there was a hodgepodge and mosaic of local laws that would sometimes



prevent relatives from meeting the basic needs of the children. For example, laws sometimes prevented grandparents from putting children into local schools without paying tuition. We felt this was wrong. Our servicemen and women going into harm's way for our nation and their kids should not have to pay to go to school. The ABA has addressed the issue and passed policy, and we are actively seeking legislation to change the laws and establish common standards in Washington.

The ABA is also looking at many other policies that affect military families. For example, the ABA is supporting federal legislation that would give non-parents who provide custodial care to children





*August 2007 ABA Conference in San Francisco, CA*

of deployed parents the right to take earned leave from their jobs for child-care purposes. Who would have thought that the Parental Leave Act would not allow for that? But it doesn't. The ABA is working to establish legal assistance to all personnel in lower ranks, E-6 and below, in ways that will enhance the services' ability to complete your important missions. The ABA worked with military officials and the Department of Defense to enact legislation to combat predatory lending. The College Cost Reduction and Access Act passed in September will help military personnel because we worked hard to ensure that the act would include provisions to provide special loan relief to members of the military.

There are 34 sections, divisions, and committees in the ABA. I challenge you to find an area of practice that we don't represent. The ABA has a standing committee on legal assistance for military personnel. Our tax section, with 45,000 members, and our business section, with 60,000 members, would like to help you meet the needs of your military members and their families. I encourage you to put these people to work.

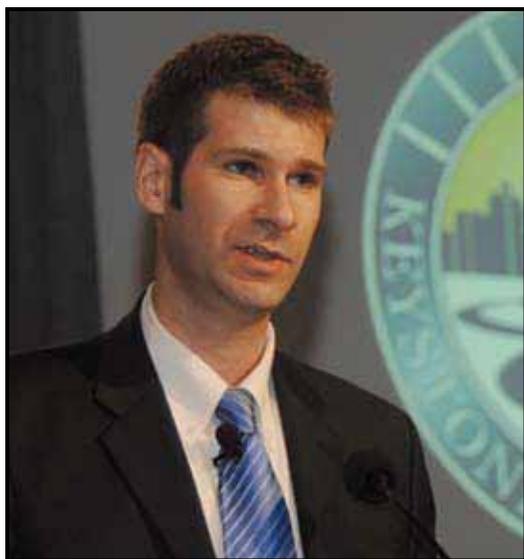
The ABA respects what you're doing, we care about what you're doing, and we care about our country.

We know that our nation is asking so much of you who are in uniform and also of your families, and the ABA's commitment to the legal rights and needs of those who serve matches your own commitment. I salute all of you, and I thank you on behalf of our nation's legal system, its lawyers and judges, for what you are doing.

*Ms. Karen J. Mathis comes from a four-generation military family and was herself a legal intern with the Army during law school. She is currently a partner in the Denver office of McElroy, Deutsch, Mulvaney & Carpenter, LLP. As the immediate past president of the American Bar Association, she made special efforts to reach out to military lawyers. Ms. Mathis is a business, commercial, and estate planning lawyer with more than 30 years' experience. Ms. Mathis earned her law degree from the University of Colorado School of Law in 1975 and her Bachelor of Arts from the University of Denver in 1972, cum laude. A member of the Colorado and International Women's Forums, she has been honored as an outstanding lawyer by the Denver and Colorado Bar Associations, the University of Colorado, and the University of Albany School of Law. An active member of the ABA for almost 30 years, Mathis' extensive ABA involvement includes leadership of numerous ABA entities. Ms. Mathis has long been an advocate for our nation's youth, serving on the Colorado Commission on Child Care and as a member of the Mile High Council of Girl Scouts. She has spoken on five continents about the future of the law and women's role in the legal profession.*

# THE DELTA OF DEFENSE IN THE 21ST CENTURY

*The following remarks, which have been edited for this publication, were made by Dr. Peter W. Singer at the KEYSTONE Leadership Summit on 23 October 2007.*



**DR. PETER W. SINGER**  
SENIOR FELLOW, BROOKINGS  
INSTITUTION

I lead an initiative at the Brookings Institution called the 21st Century Defense Initiative. One of our very first speakers was Admiral Michael Mullen, who was then serving as Chief of Naval Operations (CNO). Speaking about what future CNOs over the next few decades would have to deal with, I found it striking that Admiral Mullen used the word “change” eight times in one paragraph alone. He talked about how they would face changes in threats, changes in responses, changes in tactics and doctrine, changes in the workforce, and even changes in what a future CNO would look like and where he or she might have gone to school. He closed by saying, “What has gripped me the most is the pace of all this change.” That is a good way to frame this discussion, which is about what will shape defense in the 21st Century and what will you be dealing with today and beyond.

The first change that we face today is the obvious one—the change in the global security environment. We now have new interests in non-state actors because of 9/11, and we see that playing out everywhere from Afghanistan to Iraq to Lebanon. As a result, culture and ideology have reentered into geopolitics.

But we also see a change in our adversary. Consider the evolution of al Qaeda in the last five years, which was a highly-centralized organization. Bin Laden used to call all of the shots, even down to which individuals would participate in the 9/11 attack, and now he finds out about attacks by logging on-line. Al Qaeda has transformed to al Qaedism, moving from being centralized to decentralized with self-inspired cells.

This change has caused our strategic concerns to change. We have always been concerned about lethal weapons and weapons of mass destruction, but now we care about them differently. We care less about the 3000 warheads targeting us right now and more about preventing a small number from ending up in the hands of North Korea, Iran, or terrorists.

That does not mean that we don’t care about states anymore. In particular, there is change in the rise of new state powers that is cause for major concern, particularly China. China is an interesting case study because it is both a target for investment and a target for Pentagon spending. The reason for this is because of massive changes within China itself. The Chinese economy is averaging ten percent annual growth. Based on projections from Citigroup, China will have the world’s largest economy in 25 years. Currently, China has a trillion dollars in foreign exchange reserves. That gives China massive buying power and influence over our economy. It also means that China is one of the major investors in places like Latin America and Africa, where you don’t typically think of China as a major actor.

China is not the only power out there. The other new power that matters is India. India is having a similar economic boom. The McKinsey Group reports that India’s middle class, which currently includes around 50 million people, will grow to 583 million by the year 2025. That means the buying power of India’s middle class will be multiplied by 11. Imagine your salary being multiplied by 11 and think about what that would do to your confidence and the way you operate.

India has certain advantages that China may not have. Its software production has grown by a factor of 50 in the last ten years. India

## THE DELTA OF DEFENSE IN THE 21ST CENTURY

has a lot of young, talented information technology workers, a massive low-cost work force that can speak English, and huge ties with Silicon Valley. About one out of every seven Silicon Valley firms is actually owned by someone from India.

These changes don't mean that the old state powers have gone away. For example, we have seen the return of Russia. Russia has reinstated "friendship flights," where they are sending bombers both over the United Kingdom, and most recently, Guam.

Changes are not just within geopolitics. There is also change in who fights, which is the very identity of war. Our assumption of the warrior looks a lot like you. It is men and women in uniform, who are part of a military that is sanctioned by a government. What motivates these individuals? Patriotism. What motivates these governments when they go to war? Politics.

The reality today, though, is far different. Who we are fighting today does not look like that image.

One of the big changes today is the rise of child soldiers. One out of every ten combatants in the world is under the age of 18, and the average age of these child soldiers is twelve and a half. Seventy-five percent of the world's conflicts have children fighting in them, including Afghanistan and Iraq. Right now in Iraq, we are holding over 800 juvenile detainees. Imagine the legal questions that surround that.

The use of contractor forces is increasing. In Iraq, we have over 160,000 private contractors, performing everything from logistics roles, training and advisory roles, to tactical military roles. I talked about this issue during the 2005 KEYSTONE Summit, and we can now see some of these legal complications playing out with Blackwater and the recent shootings.

Another fundamental change in war is the rise of unmanned systems. We began operations in Iraq with less than 20 unmanned systems, none of which were used in a tactical role. Right now, we have more than 5000 on the ground and more than 1000 in the air. That is a massive change. We are currently using older systems that really don't do a lot, and the systems that are coming soon are going to blow them out of the water.



How we look at security itself has changed, because now we think in terms of human security. An example is our interest in globalization, which doesn't seem to have anything to do with the military, and yet we talk about it often. Globalization has produced prosperity for a small part of the world, but has left the greater part behind. Those that have not been able to tap into the benefits of globalization now know about it. Ignorance is no longer bliss, and those who have not benefited are angry.

There are other new threats that don't seem military in nature that we also now care about because of their security ramifications. For example, we evaluate threats from infectious disease, such as bird flu, because the military will be called out in the event of an outbreak.

This is what we know about the geopolitical environment today. But consider what General Richard Myers said in 2006, when he was Chairman of the Joint Chiefs of Staff. "Any attempt to predict the security environment of 2025 is inherently difficult. Consider the challenge in 1985 of trying to characterize the security environment that would exist in 2006." That is, we thought we knew in 1985 what the future would bring, and look how the world stands now. Sometimes change goes in unexpected directions, and sometimes it is just inexplicable.

Change is now also occurring in the domestic political environment that will shape the military operating environment. The current Presidential election is the first since 1952 without an incumbent running. Congress has new leadership. And these changes aren't just about having Democrats in charge or a

woman leading Congress. There is a new generation moving into power, whose identity and the way that they look at the world is not shaped by Vietnam or the civil rights movement. This generation sees the world through a different historic lens, and that gives them a different understanding and different priorities.

At home, there are fundamental shifts in demographics. Boomers are starting to retire, which dramatically affects who is leading and working in government service. There are significant changes in our ethnic composition, whether they come from urban or rural environments, and where they live.

There is a major economic shift under way as well. Economically, the United States no longer makes things. The Department of Labor reports that the United States will create 18.9 million new jobs by 2014. That's optimistic, but what's interesting is that of the 18.9 million jobs they predict we will create; 18.7 million of them will be in services, not manufacturing. That is part of the reason why companies like Ford and General Motors, who were once titans, are really struggling right now.

What is the good news? The good news is that the United States is dominant with only four percent of the world's population. We have 50 percent of the world's research and development funding. We produce about one-third of all technology products. We are the inventor of almost everything we use, such as the Internet and fiber optics. English is the language of the Internet, so far.

What is the bad news? For the cost of one U.S. worker, you can get 20 assembly workers in Vietnam, six engineers in India, or five chemists in China. Within seven to ten years, the number of websites in Chinese on the Internet will pass the number of websites in English. When it comes to new facilities, the good ones built in the 21st Century rather than the ones built in the 1950s are primarily located in China and India. Our trade balance is in steep decline. It is even worse in technology products, where we went from a trade surplus of \$50 billion to a deficit of \$50 billion over the last ten years.

And there is more bad news because it is going to get worse. The National Research Council found the United States is facing a "gathering storm" when it

comes to our future in science and engineering. One of the fundamental problems is high school performance. Only 54 percent of high school students in the U.S. perform at even a basic level, when it comes to the sciences and math. Behind this comes the issue of our education system. Only 66 percent of physics teachers in the United States actually have a degree in physics. Only 61 percent of chemistry teachers actually have a degree in what they're teaching.

This lack of teachers creates what the President of Princeton University calls "a futile cycle." Basically, someone who doesn't know the subject doesn't want to be teaching that subject. They'd rather be teaching English lit or the like. So they don't inspire the next generation, and so with each generation, it gets worse. That's what we're caught in today with our education system. Bill Gates has said, "When I compare our high schools to what I see when I'm traveling abroad, I'm terrified for our workforce of tomorrow." A government contractor from General Dynamics said, "If the U.S. doesn't wake-up and pay attention, we're going to get smoked. It's important for people to understand. It doesn't have anything to do with the business of business. It's about America. It's about security."

Changes in what people care about at home will also shape us. One of the things that people care about now, which they didn't in the past, is health care. This connects back to the issue of our economic performance. General Motors spends more on health care and pensions than it does on steel; Starbucks spends more on health care than it does on coffee. When U.S. companies spend more on health care than they do on corporate operations, it illustrates why they can't compete.

We also now seriously care about energy for the very first time, and we care enough to want to do something about it. According to one survey, 74 percent of all Americans consider protecting the environment as important or more important than protecting jobs. The reason for this is that the United States imports 26 percent of its total energy supply, but 56 percent of the oil that we use.

Energy is not just a concern for the public. It should be a concern for the Department of Defense. The DOD is the largest single consumer of energy in the United States, more than even Wal-Mart, and it



would rank 34th in the world as a nation. That energy doesn't come cheap. For example, if the price of oil goes up \$10 a barrel, DOD operating costs go up by 1.3 billion dollars a year, which is exactly the Marine Corps' entire procurement budget.

There is also an effect out in the field. Fuel represents 50 percent of DOD's logistics tonnage. When it comes to combat units, it's actually 70 percent of what it takes to put an Army brigade into combat. We asked Marine Corps Lieutenant General James Mattis (the Commander, U.S. Marine Corps Forces Central Command and Commanding General, First Marine Expeditionary Force) about his highest priority for research. General Mattis responded that the highest priority of everything was to "unleash us from the tether of fuel."

Technology is another factor of change. Weapons lethality has changed dramatically, and this changes the way we fight. The modern day bomber has 500,000 times the killing capacity that the Roman

Legionnaire did. Cannon fire is 15 times more lethal today than it was in World War I. This increase in lethality has caused the battlefield to stretch.

For example, in Antiquity, comparing the number of people on the battlefield to the amount of space that they occupied, 500 Greek hoplites would fill one football field. By the Civil War, roughly 20 soldiers would fill that one field. In World War I, it was just two. By World War II, it was one soldier to five football fields. Today in Iraq, we average one soldier to 780 football fields.

This changes the experience of the soldier. In Antiquity, hoplites would fight surrounded by all their buddies, and they wouldn't have much decision in what they would do. Today, you have the "strategic corporal." Their lethality is greater, but so the responsibilities placed on them are multiplied as well.

The Air Force has experienced the same exponential change, of course. In World War II, it took about 108

planes to take out one target. Today, one plane can take out four targets or more, based on the average rate during the Afghanistan campaign.

Going hand-in-hand with this ability to destroy is exponential change in the ability to create, as well as change in the way we're connected to each other. For example, the wheel first arrived in ancient Sumer around 8500 B.C. It took around 3000 years for the invention of the wheel to spread across humanity, which led to development of what we call "civilization." The same thing happened for the steam engine, but it took about 100 years to spread around humanity to create what we call "the Industrial Age." Now we have the Internet, which took about ten years to reach the same level of use in humanity, creating what we now call "the Information Age."

The fundamental difference is that now whatever comes next happens in nanoseconds. This change has happened in a way that it's almost breathtaking. Think about it this way. In just a decade, we have gone from: (1) not knowing what this thing called "the Internet" is; to (2) having heard of it but not using it; to (3) using it occasionally; to (4) using it daily; to (5) not being able to imagine an existence, professionally or socially, without it.

When you measure actual technologic change, its advancement, its complexity, and also the way you rely on it in your daily life, you basically have a doubling period that happens every ten years. What that meant is that up until the Industrial Age, most people really didn't experience technologic change. Now, rates are taking off as they double every ten years, meaning that change in the 1990s was actually the same amount as it was during the rest of the 20th Century.

To think about it in another way, technology in the year 2000 was a thousand times more advanced and people were roughly a thousand times more dependent on it in their daily lives than it was in 1900. Previous generations had time to digest to change, but we no longer have that time.

Think about this in terms of warfare. If you were someone fighting in the past, you were either lucky or unlucky enough to have one major change happen. Maybe you saw development of the bow and arrow, or maybe gunpowder came along. You were either the guys using it or the guys not using it, and that

would change everything. Today, these sort of major changes, such as the introduction of computers to war, and now the use of robotics, are happening multiple times within just one career.

Projecting forward, if the rates continue, we will have another doubling effect in the next ten years. A professor at West Point predicted that by the year 2010, technology will have doubled again to become 2000 times more advanced than in 1900. This means we will experience the same level of technologic change in the first decade of the 21st Century than we experienced in all the 20th Century.

Given all of these layers of change, foreign and domestic, and the value and spread of knowledge, have we kept up? Considering our training, doctrine, professional identity, budgeting, equipment, capacity, recruitment, and retention, have we been a change-oriented organization or have we been static? We need to think about this question at all levels: as a nation, as a defense establishment, and also as individual services and down to the unit level. Have you had the equivalent amount of change going on in how you do business?

This takes me back to the West Point professor I referenced earlier, which is an appropriate conclusion. Colonel Nygren said, "If the military is not prepared, we will only be able to react, and by the time we have responded, we will be even further behind the next wave of change, and very quickly left in the dust of accelerating change. Change is coming, it is coming faster than nearly everyone expects, and nothing can be done to stop it."

*Dr. Peter W. Singer is a senior fellow and director of the 21st Century Defense Initiative with the Brookings Institution. He is the youngest scholar named senior fellow in Brookings's 90-year history. Dr. Singer is considered one of the world's leading experts on changes in 21st century warfare. He has written for the full range of major media journals, including the Boston Globe, The L.A. Times, The New York Times, The Washington Post, and The World Policy Journal. He has been widely quoted in U.S. newspapers and news magazines and delivered talks at venues ranging from the U.S. Congress to over 35 universities around the world. His first book, Corporate Warriors: The Rise of the Privatized Military Industry, was the first to explore the new industry of private companies providing military services for hire. Dr. Singer's most recent book, Children at War, explored the rise of another new force in modern warfare, child-soldier groups.*

# SENIOR ENLISTED PANEL



*The following remarks, which have been edited for this publication, were made as part of a panel discussion at the KEYSTONE Leadership Summit on 24 October 2007.*



**MODERATOR, CMSGT RODNEY J. WILSON**

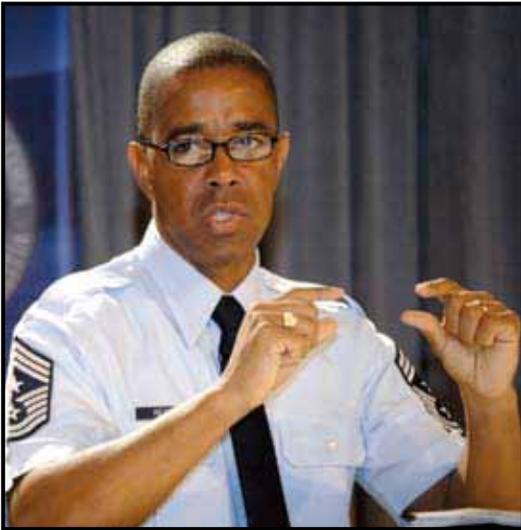
**MODERATOR, CMSGT RODNEY J. WILSON:** What is the role of the command chief master sergeant when it comes to dealing with discipline?

**CMSGT JONATHAN E. HAKE:** The role of a command chief depends on what level you happen to be serving. At the wing level, you have a lot of interaction with the commander in providing advice, and you provide advice not just to the commander, but also to the first sergeants and other chiefs on the installation.

As you move to a numbered Air Force or to a major command (MAJCOM), you spend more time giving general advice and working with JAGs at the headquarters. You're less likely to get involved in the weeds or the nuts and bolts of any disciplinary case.

As a MAJCOM command chief, my role is that of an advisor. I review case listings every month of what I call the "bad actors." I have opportunities to look at those lists, but I try not to talk about individual cases. As I'm out and about around the command, I ask questions and engage in conversations about similar cases to get people thinking about what goes on and the importance of good order and discipline, which is something we can start to take for granted as we go about doing our job.

**CMSGT TERRENCE REED:** As the chief just mentioned, we are an advisor to our commander. I advise my boss like all the other key advisors on his staff. Sometimes we talk in general terms rather than specific names if he's looking for a perspective. Other



**CMSGT TERRENCE REED**  
**COMMAND CHIEF MASTER**  
**SERGEANT, HQ AFPC**



**CMSGT SANDRA M. MILLER**  
**FIRST SERGEANT SPECIAL DUTY**  
**MANAGER, HQ USAF**

times, our discussions are very specific, depending on the situation or the actors. These discussions are vital because we have to consider the institution when we discipline enlisted personnel. For example, you don't discipline a two-striper in the same way as you would a senior master sergeant or a chief.

My role as advisor is not limited to my immediate commander. Command chiefs serve a similar role for other commanders and leaders as well. In my case, I work with

directors, colonels, and civilian senior leaders. It is very important to provide each of them the enlisted perspective, because oftentimes, I am the sole enlisted representative providing them advice and guidance.

**CMSGT WILSON:** What is the command chief's role when it comes to dealing with administrative discharge actions?

**CMSGT REED:** Oftentimes, I don't put my career on the line when I'm advising my commander because I know that at the end of the day, just as a JAG would do, I provide a range of disciplinary options to a commander. I let the commander know what I see from my experience as an enlisted member.

The institution has to be a consideration when we discipline a person. Sometimes, a discharge is appropriate. But probation and rehabilitation might be appropriate as well for a member with potential to return to the Air Force. Our Air Force is sometimes called a "one-mistake" Air Force, and there's a perception that one mistake will put you out of the Air Force. This may be true in some instances, but not in all instances. You have to make sure that the commander gives the deserving person a second chance. I make sure I give my boss sound counsel, so he can arrive at a good decision with the help of his staff.

**CMSGT WILSON:** Chief Miller, what can JA do to foster relationships with first sergeants?

**CMSGT MILLER:** The best legal offices I've worked with have been the ones that have come to the weekly first sergeant meetings. It is critical that a JAG be available and engage in two-way communication with the first sergeants. Having that open door, getting to know the people, being able to talk before and after the meeting, those opportunities have been invaluable.

The successful relationships I've seen are where the legal office comes in at least quarterly. Come to the meeting to give updates and trends, and just keep everybody informed about what's going on at the base. The legal office is often the central hub at the base on everything that's going on. Sometimes first sergeants are not communicating, and it is important for them to see trends and what's going on around the base for the times they have to decide what action to take at the unit level.

**CMSGT HAKE:** I would only add this about interaction. A few years ago at family support centers, we waited for the customer to come into the center. We found the customers don't always know they need to come in for help. So I would urge you to reach out as well to first sergeants, commanders, and other leaders across the installation. Do not wait for customers to come in, but rather, reach out and let them know how your services can help our team.



**CMSGT JONATHAN E. HAKE**  
**COMMAND CHIEF MASTER**  
**SERGEANT, HQ AFMC**

Sometimes that's in a visible place like a deployment processing line. But there are other avenues where you provide services that are not familiar to our Airmen.

If you are reaching out to the first-term Airmen centers on your installation, if you're working with the first sergeants, if you're working with the chiefs, then they know you are there to help with more than just the discipline issues we often read about. They will learn about all the many services you provide.

**CMSGT REED:** It's about cultivating relationships before the issue takes place. Meeting with each other more often than just staff meetings or status of discipline sessions is a must. I think this is true for the JAGs and all members of the legal office staff.

**CMSGT WILSON:** What is the command chief's role and the first sergeant's role in dealing with the area defense counsel (ADC) office?

**CMSGT HAKE:** We have one of the best systems for discipline, justice, and fairness, and ADCs are in a great position to help

an Airman who has made a mistake. My role as command chief is to ensure that they are available and that the first sergeants are working with them. First sergeants need someone to talk with and bounce ideas off.

**CMSGT MILLER:** We've always had very good communication with the ADC while they represent our Airmen. Whether their goal is to have an Airman retained or help them move on to another career, it's about helping them. Many times you can work with the ADC and get things resolved more quickly than going through a long legal process. Having that communication and working together is so important. At my last base, when a captain in the legal office became the ADC, we already had good communication. Keeping communication open and ultimately helping our Airmen is the key.

**CMSGT WILSON:** What can officers do to better develop their noncommissioned officers (NCO) ?

**CMSGT HAKE:** I would ask for your help in ensuring that our enlisted Airmen take advantage of every professional military education opportunity they have, at the first opportunity, and at the right point in their career. I know we are drawing down and organizations are getting much smaller, but the mission is not going away. There will be opportunities for your enlisted members to attend Airman Leadership School, NCO Academy, and Senior NCO Academy. Please afford them that time at the very first opportunity, and please do not ask to defer. If they are preparing to deploy in the near future and they have the opportunity to get their professional military education, get them into the schoolhouse before they deploy so they can sharpen their leadership skills a little bit before they go to the fight rather than defer until after they come back.

**CMSGT REED:** Allow your people to grow by giving them opportunities for training and education when possible. You have to understand that people deserve TLC. We wear our rank because we are warfighters and that's part of what we do. There is a time and a place for that, but everyone needs to know that the leader is taking care of them. Leaders do not fail because they're not doing the mission. They fail because they're not taking care of the people.

People first. You can teach monkeys to do repetitive things. When we see it, we talk about their intelligence. But when we consider our intellectual capacity, we need more than just to be pushed and prodded. Leaders sometimes get so focused on the mission that you miss that point.

*We must always remember that we are there to provide a service for others, not to be served.*

– CMSgt Steve Swigonski, USAF (Ret.)

**CMSGT WILSON:** Recently, the new enlisted performance report (EPR) forms came out, which included a block on fitness standards. What do you feel legal offices will face as referral EPRs start to process through the system?

**CMSGT MILLER:** Communication is going to be critical as we go down this path. If you don't meet standards, it's a failure, and things must be documented. First sergeants must have open communication with the legal office as we go down this road for the first time because that first one will provide an example that can help others on the base. We must communicate about how they're doing it and how they're processing it, and what they're doing to help young Airman either separate from the Air Force or be retained.

**CMSGT HAKE:** I had the distinct honor of chairing the team that created the new EPR. I want to give you a little bit of background as to how we got to where we are. The EPR system gives about 135 points for promotion on the new Airmen's Promotion System, and it was pretty clear there really wasn't much difference between average performers, valued and successful members of our team, and people who truly go above and beyond. It was recognized that we have inflation in the system that needed to be changed.

When the team met at Scott Air Force Base, there were representatives from every single command. The most junior person on the team was a staff sergeant and the most senior person on the team was a major with a line number for promotion to lieutenant colonel to be a squadron commander. We had a four-inch binder of inputs from throughout the Air Force about what was broken with the current EPR system. These inputs were categorized in the different areas, but the mantra our 18-person team came up with was to make performance count.

You see the product of our work. We spent a significant amount of time on fitness, with many differing views. But when it came down to implementing the new EPR, the decision was to make fitness pass/fail. On the new officer performance report, fitness was clearly going to be evaluated as pass/fail, and the last thing we were going to do is create a different standard or system for enlisted members. The compromise we reached was to set 75 as the passing fitness score and to make it a pass/fail evaluation on the EPR. And so that's how we ended up with where we are.

What kind of work is it going to generate? It's going to require communication and clear standards. What you do the first time will set the pattern for what happens in the future. When I look at fitness centers as I travel around the Air Force, not just around Air Force Materiel Command, usage is at an all-time high.



You can't start the day before your EPR is due or even a month before. You've got to be in the game and working at it for some time. We're not expecting people to run marathons. What we really want is for people to improve their overall fitness so that they have the energy to do their primary duty. Most importantly, we want them to spend time and enjoy the time that they spend with those that matter most at the end of the duty day.

**CMSGT REED:** The weight management program was a huge workload on the legal office, helping commanders process and document discharge cases. We are returning to a time of documentation, documentation, documentation. A lack of documentation means the person stays. Whether they're worthy or not, they will be retained.

The block itself is really a small thing. We are helping people live longer. People are spending less time at sick call. People are looking great. People are smoking less. It's just awesome.

I can't imagine having worked anywhere else. You know, my knee gets sore on occasion, but I run. I can't get 100 on my fitness assessment, but I'm trying to get 100. I set the standard for people from my organization because we lead by example.



**CMSGT HAKE:** There are two things that I would ask you to remember. First, we've been at this new fitness program for four years. We've had an opportunity for four years to improve our overall fitness, and some are talking about the new fitness standard because it's on the new EPR. Had we been working at it and enforcing it and doing things like what Chief Reed and his commander have been doing, we wouldn't be worried so much about what it's going to do on the new EPR.

Second, think about how we apply the standards as we test. Here's where I'd ask for your help. At schools across the Air Force where the test is required for graduation, pass rates have been about 97 or 98 percent. And yet, when we look at the Senior Noncommissioned Officer Academy where the test is not required for graduation—and I'm sure this follows with any professional military education, but I'll use this one as an example—approximately 30 percent do not pass the test.

I'm concerned that people draw conclusions from those results and somehow believe we lack integrity in the system. As we test and as we apply the standard, we need to apply the standards fairly and evenly and with integrity so people can improve their overall fitness.

**CMSGT WILSON:** What can JA do better to help you do your job?

**CMSGT MILLER:** First sergeants are now under the Three-Plus-Three Program, so we now have younger "shirts" out there than ever before. We don't have the old stovepipe first sergeant that comes in as a master sergeant and stays until they are a chief or senior. They are coming in for three years and getting out. Base first sergeant councils are lucky if they have one experienced first sergeant to draw from. But it is more likely that they don't have that experience.

Please communicate and be open to them. Communicate your standards and what you expect, and help them understand the norm for the base. Make sure you are in tune with the young first sergeants, and guide and teach them so they help our Airmen out.

**CMSGT REED:** Build relationships so they aren't adversarial. The worst thing you can have is the commander in the middle with the JAG on one side and the first sergeant or the command chief on the other. Commanders just want advice. When you've built a relationship, you can go into a commander's office at those critical times and provide good counsel, which ensures commanders can arrive at good decisions for the organization.

**QUESTION FROM AUDIENCE:** As a new colonel, what do you really want me to know?

**CMSGT HAKE:** Practice leadership by example. Know that you live in a fish bowl. When you see a chief on an installation doing something, whether it is good or bad, no one knows whether that person has been a chief for one day or ten years. But people will come back to their duty section and say, "I can't believe what I saw that chief doing." It is the same thing for colonels. People don't know whether you've been a colonel for a day or a long time, but they're watching everything you do. They probably won't put your name on it. They'll just say, "I can't believe I saw that colonel doing that."

*Airmen look to our paralegals as individuals who know what they are talking about and who will give truthful and honest advice. Our law office superintendents need to constantly be aware of the need to develop and maintain the highest skill level and values when performing their duties and in representing the legal office.*

– CMSgt Gerald E. McAteer, USAF (Ret.)

**CMSGT REED:** When you look in the mirror the day before you pin on your chief stripe, you think about being a chief master sergeant and all the things that you admired about the chiefs and the leaders before you. All of a sudden, you are that person. You are now on an island, wherever you are, good or bad. Check yourself daily to make sure that you're responding to the feedback and making the minor adjustments. I am a different person now than I was when I first became a chief. Hopefully, those people that still know me know that I've grown and that I am still growing. If you ever stop growing, you need to leave.

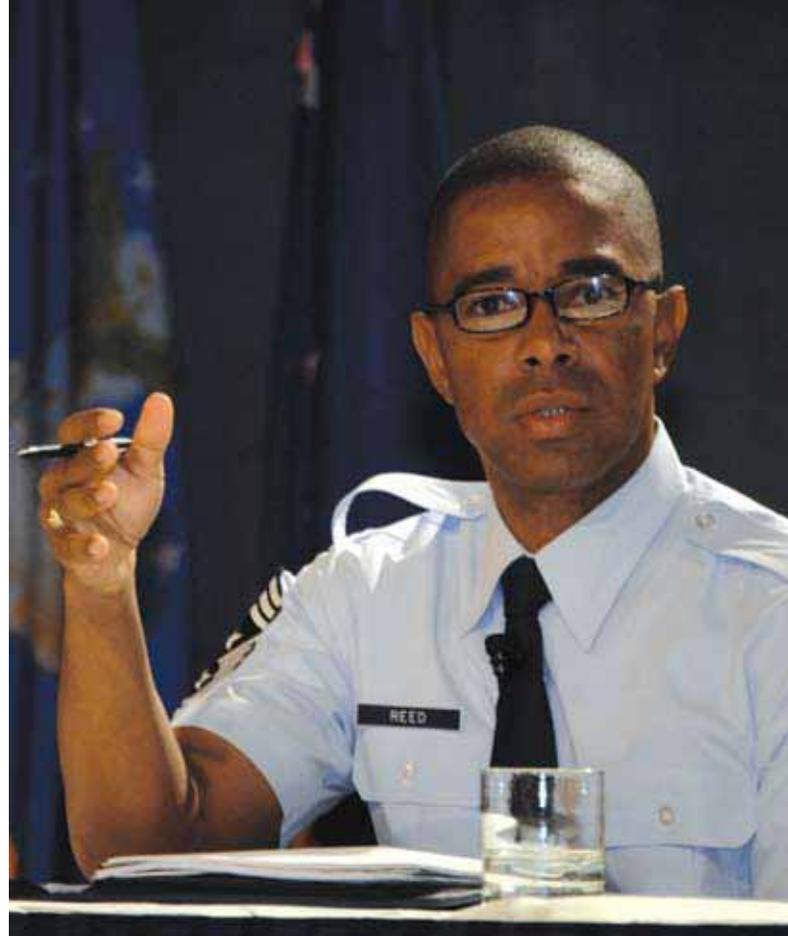
**CMSGT MILLER:** Take care of those around you, the young officers and the enlisted personnel that work for you and around you. They are looking to you for guidance and leadership. The best thing that you can do is take care of them.

**QUESTION FROM AUDIENCE:** We've all heard the reasoning for why we implemented the new EPR system to take care of the over-inflated system we have. I've heard some leaders say they are going to hurt their Airmen if they don't give them fives because of the weight those scores have on promotions. What advice can you give to our staff judge advocates and our law office superintendents when it comes to implementing the EPR and the feedback process?

**CMSGT REED:** The shift to a new evaluation system is just the natural thing that we needed to do as an Air Force. How you rate your people is something that should be happening during your feedback session. Personally, I'm not going to stand up here and tell you that the system is going to change overnight. But what I will say is that the evaluation system is not really the problem. The problem is feedback.

In every case where I look at an issue about an evaluation, I find that feedback is lacking. If you tell me that I'm average, tell me what I need to do to get better. And you can't always just tell me what I need to do. You have to show me what I need to do. When it comes to developing a person, mentorship is critical. People must mentor. If you give consistent feedback along the way and set the stage for the evaluation, then whether a person is a five, a four, a three, a two, or one, is not a surprise.

The best change about the new evaluation is that the ratee must now sign it. It was unfortunate that some



people first found out they were adequate or less than adequate when they went to review their record. That won't happen with the new evaluation.

**CMSGT MILLER:** I am simply amazed that feedback is still not given in all cases. How do you hold someone accountable or how do they know the standards if you're not giving them feedback and telling them? Feedback must be provided. Tell people what the standard is and let them earn their rating.

**CMSGT HAKE:** If someone gets an EPR that they don't feel they deserve, they usually say something like, "Can you believe what my supervisor gave me?" But now we will communicate with them and say, "Here's what you've earned based on standards and communication and feedback." That is the reason we required ratees to sign the end of the report. It puts teeth into the feedback system. Now we know that at least once a year, feedback will be given.

I once worked with a master sergeant who would write contracts with his Airmen. He would sit down with his Airmen and spell out things like what time they were expected to be at work and what he expected from them. Then he drew a line, and he would write out what they could expect from him as their leader." When Airmen

## SENIOR ENLISTED PANEL

did something good, he'd pull out the contract and he'd write on the bottom, "Good job. This is what you did," and add it to the folder. When they didn't do their part, he would pull out that same contract and point to it and say, "Didn't we talk about this?" This was incredible, and he's probably a CEO of a company right now because he was just so far ahead of his time in how he did feedback with Airmen.

My whole point is that you have to have a standard, and then you have to talk about the standard. Link it together with performance, and then it won't be a surprise when the performance evaluation goes in the record.

**QUESTION FROM AUDIENCE:** Our mission is not getting any smaller, but cuts are making the Air Force smaller. Many NCOs are charged with a greater responsibility than what our Air Force specialty code says. We have a responsibility to our communities and to be involved in volunteering and developing our Airmen. How do we continue to balance that when our mission is not decreasing? Do you see a shift in how much is expected from our people to volunteer and do other things that are taking them away from the mission?

**CMSGT HAKE:** Everything in life revolves around balance. If you spend all your time in the duty section working the primary mission, then there'll be other things that are very important in your life that will fall to the wayside, whether that's fitness, family, or whatever it happens to be. The challenge we have today is finding balance in our lives between what our primary duties are and the other demands that are placed upon our lives. Some of those demands we place on ourselves. Others are placed upon us. Dealing with those demands makes a seasoned leader.

Not everyone will be a chief master sergeant. Not everyone will be a senior master sergeant. Not everyone will be a master sergeant. But those who do rise up to the more senior levels in our Air Force are the ones who can balance everything in their life and still do all the important things that are required.

**CMSGT MILLER:** We have Airmen out there who are reaching a breaking point. You've got maintainers working 12 hours, six days a week and rotations are not letting up. You as a leader need to have the strength to stand up and say when it is time to stop and take



care of your Airmen. If you're not doing that, it will be detrimental in the long run. As a leader, stand up, take care of your Airmen, and make sure that their voice is heard.

*Chief Master Sergeant Jonathan E. Hake is the Command Chief Master Sergeant, Headquarters, Air Force Materiel Command, Wright Patterson Air Force Base, Ohio. He is the principal advisor to the Commander, Air Force Materiel Command, and senior staff on matters concerning effective utilization, training, education, and readiness of the command's 14,403 enlisted Airmen and their families.*

*Chief Master Sergeant Terrence Reed is the Command Chief Master Sergeant, Headquarters, Air Force Personnel Center, Randolph Air Force Base, Texas. CMSgt Reed advises the Headquarters, Air Force Personnel Center Commander and directors on morale, welfare, and effective utilization of the enlisted force.*

*Chief Master Sergeant Sandra M. Miller is the U.S. Air Force's First Sergeant Special Duty Manager assigned to the Office of the Chief Master Sergeant of the Air Force, Headquarters U.S. Air Force, Washington D.C. Her primary responsibility is to manage the U.S. Air Force first sergeant special duty field by establishing policy and guidance for all active duty, Air National Guard and Air Force Reserve on the selection, development, and utilization of over 2500 Total Force first sergeants. CMSgt Miller also works a variety of issues as directed by the Chief Master Sergeant of the Air Force.*

# THE GLOBAL WAR ON TERRORISM

*The following remarks, which have been edited for this publication, were made by Dr. Lani Kass at the KEYSTONE Leadership Summit on 25 October 2007.*



**DR. LANI KASS**  
**SPECIAL ASSISTANT TO THE**  
**CHIEF OF STAFF, U.S. AIR FORCE,**  
**AND DIRECTOR OF THE CSAF**  
**CYBERSPACE TASK FORCE**

The war we are engaged in has occupied the attention of this nation now for longer than World War II. In contrast to World War II, and quite frankly in contrast to any war we have been engaged in before, we have yet to fully understand what this war is about. Instinctively, it is extremely difficult to develop a strategy and call it a coherent national security strategy when you have difficulty identifying what it is that you are fighting.

You must start with trying to understand the nature of the issue. We have said we are at war with terrorism. But this is like saying that we were at war with the kamikaze pilots in the Pacific during World War II. Terrorism is a tactic, and by

saying we are engaged in a war with tactics, you tend to obscure, forget, or obfuscate the nature of the fight we are in. We are in a generational existential ideological fight. Clearly, this description is not easily used as a slogan to win wars.

I use the term "long-term fight to abolish terrorism." The word "abolition" is a loaded term in American history. I use it deliberately because the notion is not that you will be able to create a state where there is no terrorism. Just like slavery, piracy and genocide, terrorism must be made an international taboo. In other words, while you still have slavery and piracy and genocide, no one says they are good or that, under certain circumstances, some is acceptable. Hence the term abolish.

We must understand that the United States is not at war with Islam. However, radical elements within Islam have declared a war to the death upon us, and when somebody declares war on you, you essentially have two choices: You either fight or you accept the terms of surrender.

It is important to understand what terrorism is. The U.S. government alone has about 70 definitions for terrorism, and the United Nations has never agreed on a common definition. The first point is probably the most fundamental. The clearest statement I can instill is that terrorism is politically-motivated violence, deliberately targeted at civilians. Again, it is difficult to be at war with something that is not easy to define.

It is equally important, if not more important, to understand what terrorism is not. It is not random. It is not senseless. It is deliberately targeted at civilians, and it has a political objective, which is to cause change. Happy people do not strap explosives to their backs and kill you. There is something in the political, social, economic, or religious order that is so offensive to people, so abhorrent, that they are ready to kill and die to change. This is very important to understand as you try to understand your world.

Last and probably most important, the objective of terrorism is quite simply to kill a lot. Terrorism seeks to cause you to change what you believe and to forsake your principles in order to save your life.

I might start with a fundamental premise. Most people are like sheep. Sheep are productive members of the animal kingdom, but they don't help anybody. They produce wool, and all they want to do is graze on a patch of grass and be left alone. Sheep



never look you in the eye. Sheep hope that when the wolves come, they will grab the other sheep. They would never do anything to protect the other sheep, and they may be the only species that would not even protect their own offspring.

There are genuinely bad people in the world that I classify as wolves. They are natural predators. They go after sheep because that is what they eat.

And then there are the sheepdogs. Genetically, sheepdogs are much closer to wolves than sheep. They stay apart from the sheep, and their sole mission in life is protect the flock. Every member of the JAG Corps is a sheepdog—that is why you wear the uniform rather than working in a law firm on Wall Street. You chose to be a sheepdog.

This is important because, in nature, animals are born as sheep or wolves or sheepdogs, and they will die as such. But as human beings, we can become any of these three categories. Sometimes people transform from sheep into sheepdogs in a blink of an eye. On United Flight 93 on September 11, regular people who would have been perfectly happy being sheep turned into sheepdogs, sacrificing themselves so others might live. Sheepdogs are not just in the military, by the way.

Police, fire fighters, and others who run into the fire or the blaze or who move to the sound of the guns rather than run away, are all sheepdogs.

It is important to understand the objective of terrorism is to inflict violence and turn as many sheepdogs into sheep as possible. When sheepdogs become sheep, society is largely defenseless. Western thought believes terrorism has no aim because it is difficult to find an objective in bombing a maternity clinic in downtown Baghdad. What objective would a mother have pushing a baby carriage laden with explosives into an American checkpoint in Fallujah? But terrorists do have an objective. It is not to negotiate or to achieve compromise. It is to turn people into sheep.

Terrorism is not new. It has been with us for at least 2000 years, probably longer. But there are certain features of modern terrorism that are important to emphasize because these features make modern terrorism more difficult to deal with and harder to isolate and defeat. Modern terrorism is networked, it is global, and it is adaptive. And most importantly, it has access to technology that allows levels of destruction that historically required a good military to reflect.

In the wake of September 11, virtually every major magazine in the United States had a cover story with some vision of the statement, "Why do they hate us?" When you ask that question, the assumption is that we have done something wrong. And that leads to the interesting but irrelevant question of whether they hate us for what we do or for who we are. If you could determine that they hate us for what we do, maybe we, as sheep, could stop doing what we are doing. Then the wolves would go away and let us continue grazing peacefully on that patch of grass that we like.

Unfortunately, the network that we are fighting has a very clear collective objective, and that is to restore Islam to its former possession of glory. Islam started in the Seventh Century in what today is Saudi Arabia. Within 100 years, it spread as far as the area now known as Spain. By the Sixteenth Century, the Islamic Caliphate state was at its height from the gates of China to Gibraltar. Islam also had tremendous cultural influence in areas we would call soft power today. Inventions and advances in science, math, medicine, architecture, and more originated in what was then the Islamic world. Since the Sixteenth



Century, when the Islamic advance was stopped at the gates of Vienna, Austria, Islam has been in decline and in retreat. Al Qaeda and the organization that declared war against us on September 11 want to restore that glory. This is a culture and a way of life which believes it is destined to be dominant. Terrorism is one of the means by which they intend to do that.

The terrorists have the advantages of initiative and supplies. This war did not start on September 11. We can start dating the beginning to at least two declarations of war, the bombing of the Marine barracks in Beirut and the bombing of the Khobar Towers, that preceded September 11. The second point is very important to understand. There are 1.3 billion Muslims in the world. In secular Muslim countries, there are young children who have chosen to wear Osama bin Laden T-shirts. When you consider advantages that the terrorists have, consider that they have the sympathy, if not the passive support, of 1.3 billion people.

Now, most people are sheep, so I am not saying that 20 percent of the world population is ready to fight the Jihad. But even a very small minority of 1.3 billion people still constitutes a lot of people. So we have an enemy that is committed to destroying everything, and they are willing to die trying. This is unique in the history of world warfare. They believe they are on a mission of God, and they are extremely patient and extremely well financed. They live among us and know us much better than we know them.

I believe that we have increasingly turned into sheep. We do not perceive the existential nature of this fight, and we do not perceive this fight as a necessary war. Increasingly, this war is being referred to as Bush's war, meaning a war of choice. I am beginning to have questions about the American will and reserve. We can't afford to lose, but I am personally no longer sure that we will win this fight.

**QUESTION FROM AUDIENCE:** Regarding the concept of a Global War on Terrorism, is the term itself part of what is breaking down the will of the American people to keep fighting?

**ANSWER:** What to call this conflict was a huge subject of discussion. The moment you say it is a war against a tactic, it is extremely difficult to galvanize support against it. Now, the cliché we all use is, "Freedom isn't free." But freedom is totally free for the vast majority of the American people. It is not free for us, and it is not free for those with friends, daughters, husbands, wives, brothers, and sisters in the military. We have made no demand on the American people to sacrifice anything. We put the entire bill on the sheepdogs.

Second, we have taken this "life is back to normal" a bit too far. If I were a strategic planner for al Qaeda, I would not attack the United States again. We are doing precisely what they would like us to do. We are tearing ourselves apart. Instead of being the galvanizing event that unifies the American people for a common cause, we are blaming each other and assigning responsibility. This war has divided us more than any other in our history.

*Dr. Lani Kass is Special Assistant to the Chief of Staff, U.S. Air Force, and Director of the CSAF Cyberspace Task Force. Established in January 2006, the task force's mission is to investigate cyberspace as a domain in and through which the Air Force flies and fights, to deliver sovereign options for the defense of the United States and its global interests. Before joining the Air Staff, Dr. Kass was a professor of military strategy and operations at the National War College. Dr. Kass was a key participant in the development of the national strategy for combating terrorism, as well as the national military strategic plan for the Global War on Terror. She has authored two books and more than 20 scholarly articles, and she is a frequent guest lecturer at a wide variety of governmental and civic forums.*

# LAWYERING THROUGH CHANGE

*The following remarks, which have been edited for this publication, were made by The Honorable Jeh C. Johnson at the KEYSTONE Leadership Summit on 25 October 2007.*



**THE HON JE H C. JOHNSON**  
**FORMER AIR FORCE GENERAL**  
**COUNSEL**

I speak to you today as a member of the Bar, a student of the law, your retired senior partner, and a concerned private citizen. My remarks are my own.

I want to speak to you about the rule of law. One of the major sub-themes of KEYSTONE 2007 is “leading through change.” I interpret “change” in that phrase to mean a number of things: change brought about by world events, acts of war or terrorism, challenges to our national security, change in organization and structure, changes in your civilian leadership, and changes in presidential administrations. Invariably, defense policy changes with each of these events.

But, in the absence of change by a Constitutional Amendment, an Act of Congress, or some new interpretation of the Constitution or the laws by the courts,

the rule of law does not change. It remains consistent throughout changing times and, as legal advisors in the Department of Defense, your challenge is to provide consistent advice and guidance to policymakers and commanders about what the rule of law means.

You must live by one simple rule: You wear the uniform of a JAG to help policymakers and commanders shape the policy to fit the law, not to shape the law to fit the policy. The cynics among the non-lawyers out there believe that your role as a lawyer is the latter, and not the former.

As members of the military, you answer to your commanders and civilian leaders; as JAGs and members of the Bar, you answer to a higher authority, the rule of law. When you convey the rule of law to your client, you are an authority. You must avoid permitting that authority from being stampeded by your client, and simply telling them what they want to hear. This can have disastrous consequences for everyone.

On the other extreme, though, you should seek to minimize the number of times you simply cross your arms and say “no” to the proposal that lands in your in-box. In that circumstance, your client will seek to avoid you altogether, which will also have disastrous consequences. I recall all too well the e-mail that someone shared with me from a senior official in Air Force acquisition who, in the absence of the necessary legal approval for an action, said to a subordinate, “Just do it and ask for forgiveness later.”

As General Counsel I constantly preached that your goal is the middle ground: Encourage your client to consult you early in the architecture of a policy or project, take part in the construction of it, so that the finished product is consistent with law and regulations.

Particular care must be taken when it comes to the classified legal opinion, which provides legal approval for some controversial government activity. I consider myself a pretty good lawyer, and I can find a plausible legal argument for almost anything. There is enough law out there that can be strung together for the most absurd of propositions. And, on the face of it, it would all read pretty good to the non-lawyer. But, when I go through this exercise for a brief to be submitted in a court some place, there is an adversary out there shooting back at me, who will not hesitate to point out the contrary authority, the flaws and weaknesses in the logic of my arguments, and a judge who will go beyond my brief and read the law for herself. So, what I assert in a brief in litigation must be strong enough to survive that type of scrutiny.

I know this from bitter experience.

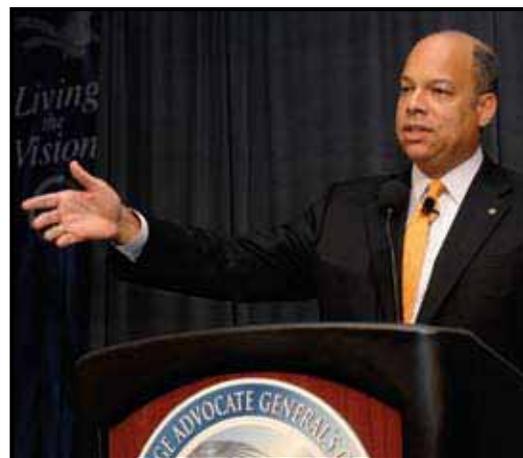
The dynamic when you author a classified legal opinion is different. The temptations are different. By its very nature, a classified legal opinion is seen by very few people. It is not subjected to broader scrutiny or an adversary's attacks. And unless it is leaked to *The New York Times*, no civil libertarian at Human Rights First or Yale Law School is ever going to see it. You are on a tight suspense, and your commanders are hoping you come out a certain way. In that situation, your ability as a lawyer, and, frankly, your integrity, is tested to the greatest degree.

The greatest failures in American legal history are when lawyers and judges bow to the pressure to shape the law to accommodate times of stress, anxiety, fear or prejudice. In her majority opinion in *Hamdan v. Rumsfeld* in 2004, the most influential Supreme Court Justice of our time, Sandra Day O'Connor, reminded us of the tragedy of the *Korematsu* case when she stated: "It is during our most challenging and uncertain moments that our nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad."

Lesser known failures in the rule of law during World War II involved cases like that of Army Air Corps Second Lieutenant Robert S. Johnson. In April 1945, Lieutenant Johnson was jailed alongside German POWs because he refused to obey an order to never again attempt to desegregate the white-only officers club at Freeman Field in Indiana. He was jailed on the strength of a legal opinion from the then-chief legal officer of the Army Air Corps to the base commander that it was okay to do so. Only after the Negro press heard of the incident did General Marshall direct that my uncle and other members of the Tuskegee Airmen who were jailed with him be released. This is not just family folklore, it's documented in a book entitled *The Freeman Field Mutiny*.

But, I'm not here to lecture you about what you already know, I'm here to salute you. I'm here to salute the JAG community. I salute people like General Rives and Mike Lohr for reminding us of the rule of law. To be blunt, there are civilian political appointees around you who have tried to shape the law to fit the policy and expected you to fall in behind them. Against your most basic military training, you have had to take the extraordinary step of reminding your civilian leadership, and the public at large, of the rule of law. You were right to do so.

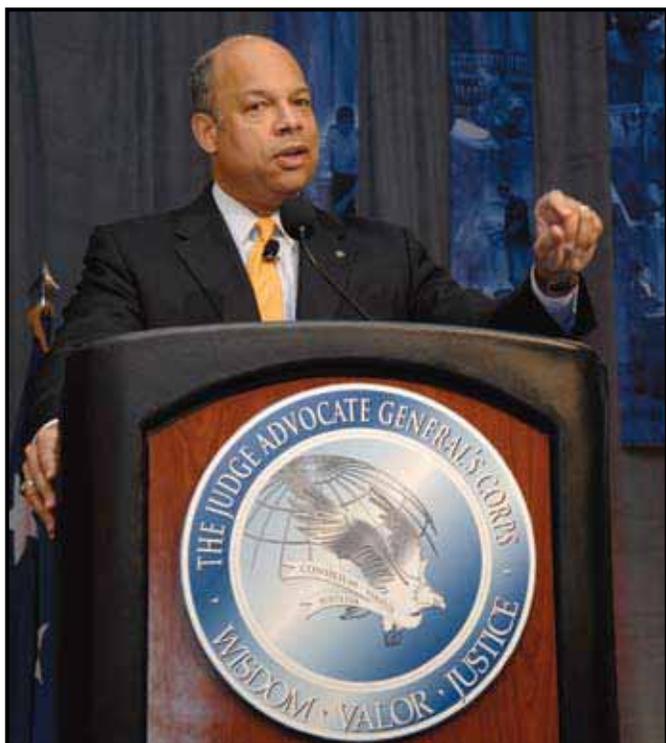
You have reminded us why the rule of law is so important in the military community and in the conduct of war. When I was General Counsel, the constant refrain I heard from JAGs in my office, when we were considering a treaty, the International Criminal Court, or a status of forces agreement, was "If we do that, how will it affect our



people if one of them is captured." I can still hear Major General Andy Egeland saying that to me. But, I now appreciate it much more in this post-9/11 world. For us to disregard this consideration is shortsighted and a disservice to those in uniform.

Second, and my biggest concern, is that illegal and inhuman treatment of detainees—detainee prosecutions that proceed on questionable legal footing, and violations of the Geneva Convention, or our own rules—are counterproductive in the war on terror and counterproductive in our efforts to promote freedom and democracy in developing nations. The words "Do as I say, not as I do," do not translate well into any language.

There are 1.3 billion Muslims in the world. By far, most are peace-loving people who mean the American people no harm. A handful, perhaps tens of thousands, want to kill us and are willing to take their own lives in the process. Others in the Muslim world are watching on the sidelines and can be sympathetic to either the terrorists or the United States depending upon who they perceive to occupy the moral high ground. This broader coalition is recruiting territory for al Qaeda. And, our mistakes at Abu Ghraib and Guantanamo Bay, our mistreatment of Iraqi civilians, are their recruitment tools. Their recruitment goal is to convince Muslims that we have gone to war against the entire Muslim world.



You in the military know better than I that victory against fanatic terrorists will not come with the death of one human being, the surrender of an enemy, or the signing of a peace treaty on the deck of a battleship. Victory will come when al Qaeda is marginalized as an illegitimate and isolated fringe element within the Muslim world, and it withers and dies on the vine; when, to use Secretary Rumsfeld's own test for success, we capture or kill members of al Qaeda faster than they can recruit them. To do this, our cause must be seen as legitimate; as occupying the moral high ground in communities that serve as breeding grounds for terrorists. I fear that, at present, we are flunking Secretary Rumsfeld's own test.

This brings me to the so-called ticking-time-bomb scenario. Many in our civilian leadership today believe that General Petraeus' zero-tolerance policy for torture, cruel and inhuman punishment, or "enhanced interrogation techniques" as some call it, is a mistake and naïve, and that we must craft an exception for the ticking-bomb scenario. I say it is they who are being naïve. You simply cannot codify a rule to be disseminated and applied to thousands of people that waterboarding, for example, is banned except when it is necessary for national security. Such a rule would descend like a cancer through the military ranks, the exception would fast eat up the rule, and the zealous

will interpret the exception as a signal from leadership that it is willing to tolerate far more.

Finally, respect for the rule of law is consistent with American values. When you in the military remind us of the rule of law, the laws of war, our treaty obligations, or the *Army Field Manual*, you remind us of our American values.

In December 2005, I had the privilege of being included in an extraordinary meeting. It was a meeting in a hotel conference room at the Ritz Carlton in Pentagon City. Retired generals and admirals all came together for the purpose of showing support for the McCain Amendment. Everyone there was at least a two-star. Included in this group was a retired chairman of the joint chiefs, a number of retired Army, Navy and Marine four-stars, several former TJAGs, and an 85-year-old retired general who was a veteran of the ugliest battles at Iwo Jima, who had seen the darkest side of human nature. The unanimous view in the room was that the United States does not torture. Period. Without qualification. This was not about protecting the bad guys they said; it was about us. We are Americans, and the world expects better from us. Is that a double-standard? Of course it is. It's a higher standard for the greatest nation on Earth. I came away from the meeting realizing that I was present for what may be one of the greatest acts of patriotism I will ever see in my life, far more significant than a flag on a lapel. Decorated veterans, who had defended their country in battle, confronting our leaders, and reminding them of our American laws and our American values.

I say the same about you as JAGs. I am very proud of the work you have done, especially in the last few years. Just as Lieutenant Johnson did 62 years ago, speak truth to power. Remind us of the rule of law. Remind us of who we are as Americans. I salute you all.

*The Honorable Jeh C. Johnson's career has been a mixture of successful private law practice and distinguished public service. Currently a partner with the law firm of Paul/Weiss in New York, he is an experienced trial lawyer who has personally tried some of the highest stakes commercial cases of recent years. He began his career as a trial lawyer as an assistant U.S. attorney in the Southern District of New York where he prosecuted public corruption cases. In 1998 he left Paul/Weiss for 27 months when President Clinton appointed him as Air Force General Counsel, where he worked closely and effectively with the JAG Corps.*

# THE SKY IS THE LIMIT

*The following remarks, which have been edited for this publication, were made by The Honorable Carol DiBattiste at the KEYSTONE Leadership Summit on 26 October 2007.*



**THE HON CAROL DiBATTISTE  
FORMER UNDER SECRETARY OF  
THE AIR FORCE**

I want to begin by thanking the members of the JAG Corps for what you do for our country every day, preserving our freedoms and our civil liberties. You do a fantastic job, and I salute you.

General Rives asked me to share with you my journey, a journey through the Air Force and the private sector that could be anyone's in America. Your service and your duty and honor to country have allowed me to fulfill my dreams. My journey is really about idealism, opportunity, taking risks, caring for people, and pushing and

exceeding the limits of what you think you can do. It is about staying true to yourself and having passion about life and what you do every day.

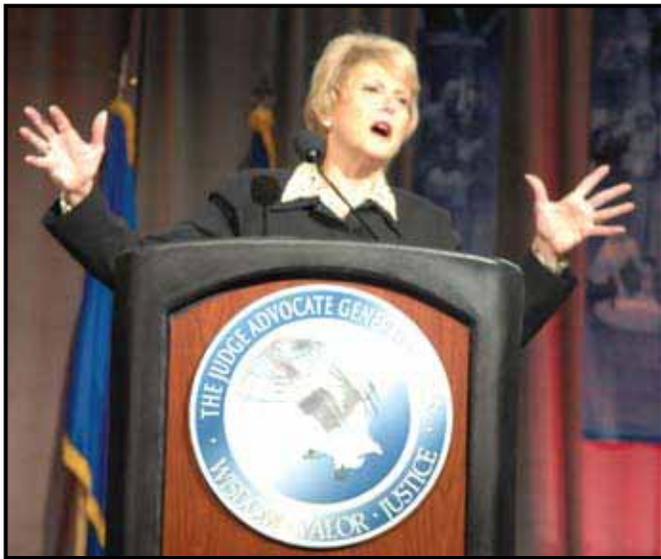
I grew up in Philadelphia. My mother and father had three children, and I was the middle child. My father passed away when I was nine years old, which left my mother on her own to raise us. When I served as Under Secretary of the Air Force, I was able to pull my father's records from his service in the Marine Corps during World War II. He had been a welder, and he was in Nagasaki soon after the bomb. Radiation from the bomb caused him to get lymphoma, and he was only 38 when he passed away. I was glad to at least put closure as to why we lost him so soon.

After I graduated from high school, a boyfriend of mine decided that he was going to join the Air Force. I was a little rebellious at the time, and I said I didn't want to go to college immediately. I went to the recruiter on Cottman Avenue in Philadelphia and recruited myself once I saw the Air Force could help me pay for my education. I enlisted in the Air Force in 1971.

Everybody in the world tried to talk me out of joining, except my mother. She gave me her full support and love. I thought I would serve for four years and then get out, but I ended up serving in the Air Force for 20 of the greatest years of my life. From the day I came in, it seemed like the whole sky opened up and opportunity knocked for me. Serving was a great way to participate in a wonderful organization and make a difference.

I graduated from technical school at Sheppard Air Force Base, went to Bolling Air Force Base for my first assignment doing accounting and finance work, and then I moved on to Hickam Air Force Base. While I was at Hickam, I volunteered to go to Vietnam, but women could not go to Vietnam at that time in my career field. Instead, I worked many nights in hangars at Hickam, paying people as they deployed to Vietnam. The sacrifice that so many of our Airmen made in Vietnam to serve our country stays with me today. Many of the brave people that I paid on those nights at Hickam Air Force Base never returned.

From Hickam, I volunteered to be an Air Force recruiter. I eventually did three recruiting assignments because I loved it so much, and I'm still recruiting for the Air Force today. As a young E-4 working in recruiting, I learned a skill that I used as a lawyer trying cases in front of a jury and that I still use today when I'm trying to convince our board of directors or senior officers to do something. I learned how to persuade.



Recruiting school at Lackland Air Force Base, Texas, taught me how to close a sale and how to advocate on behalf of the Air Force. From there, I went to a recruiting squadron in New Cumberland, Pennsylvania, where I served as an operations officer. As the only woman, I had to supervise 60 recruiters, all men, for the first time in my life. At the time, there were 32 recruiting squadrons in the nation, and we were ranked dead last. There was no place for us to go but up. This was after Vietnam, so you can imagine how the country felt and acted. It was an interesting experience to try to persuade young people and parents who didn't want their children to join the Air Force. Some applicants I called thought I was the secretary rather than the recruiter. Most of the time, they simply hung up on me.

Being a recruiter taught me lessons in humility. It was phenomenal to work with a great group of men, and later women, and we moved from last in the nation my first year to number six the following year. We never made it to number one, but we were able to move to second place in my third year. And we were always enthusiastic.

After I went through Officer Training School and as a young second lieutenant, I knew I wanted to be a lawyer. During my assignment at Hickam, I had been in a car accident. The woman who hit me was not insured, and I represented myself in small-claims court and won the case. That experience got my blood running. I tried my case before the judge, did my opening, called one witness, did my closing,

and the judge awarded me \$300. I never collected on the judgment because the lady had no money, but I thought it was fun and it taught me a lot.

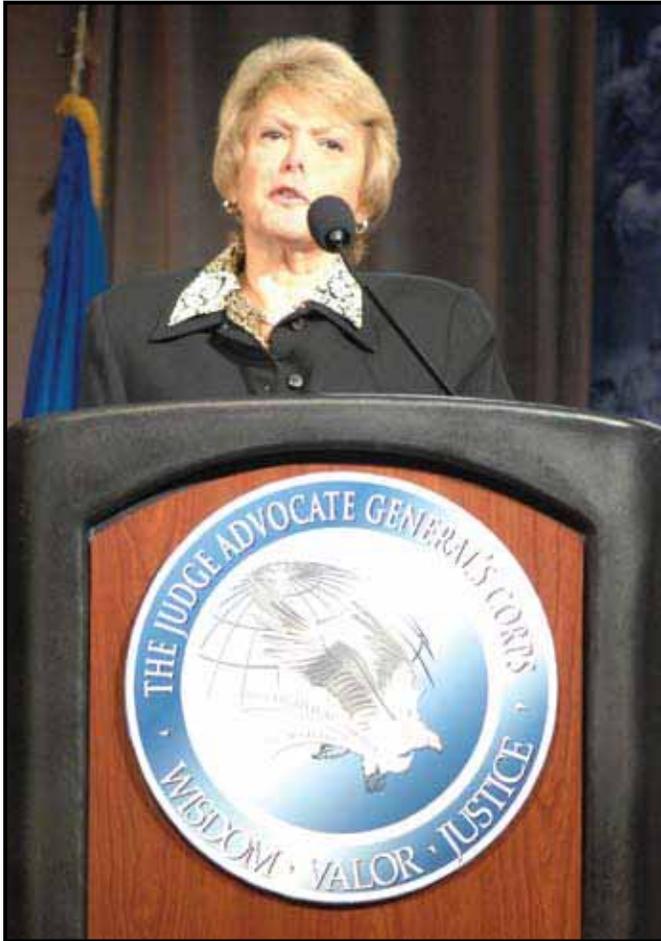
I applied for the Air Force Excess Leave Program (since I had been enlisted for five and a half years, I had too much time in service to qualify for the fully-funded program). I was accepted, and the Air Force sent me to law school. After I graduated from law school, I served my first three JAG assignments at Dover Air Force Base, Delaware; Osan Air Base, Korea; and Yokota Air Base, Japan. In each assignment, I was able to try many great cases. At Osan, I went up against General Rives, who was Captain Rives at the time, on a number of cases, including a murder trial at Osan. Captain Rives was a phenomenal trial lawyer. He was brutal in the courtroom, and I had the biggest battles that I've ever had in the courtroom with General Rives as opposing counsel. I still have bruises to show for it!

From being a circuit trial counsel, the Air Force sent me to get my LL.M. at Columbia in New York City, and then I went to teach at the JAG School. The School was a wonderful learning and leadership experience. The school is where I met General Dunlap, then Captain Dunlap, and he and others at the school trained me well. Captain Dunlap made learning fun, and I think I became a much better trial lawyer because of him. The Air Force JAG School, in my opinion, offers the best legal education in the world.

I left the JAG School and went back into recruiting for the third time in my Air Force career as the chief recruiting attorney for the Air Force at JAX in Washington D.C. I worked for Colonel Swanson, who then became General Swanson. General Rives was also at JAX and in charge of career management at that time. After serving at JAX, I retired from the Air Force.

I continued in public service after I retired from the Air Force. I worked in the U.S. Attorney's Office in Miami, then at the Department of Justice, and then I became Principal Deputy General Counsel of the Navy. Eventually, eight years after I retired from active duty, the President asked me to return to my roots and nominated me to be the Under Secretary of the Air Force upon Senate confirmation.

Serving as Under Secretary allowed me to focus on recruiting, retention, and readiness and I was also able to advocate for many vital programs, including the F-22. I was honored to be able to see the Air Force from a totally different perspective. I am so proud to have started my service as an enlisted member and then to have been appointed to serve as the Under Secretary of the Air Force. Only in our country do people have the opportunity to do things like this.



Since I left the Air Force again in 2001, I worked in the private sector as a partner in a law firm and then sought to return to the government after the terrorist attacks on September 11, 2001, to help start up the Transportation Security Administration (TSA). Each position I have held—whether it was at the law firm advising about diversity in Fortune 100 companies, serving as chief of staff and then deputy administrator for TSA, or serving as general counsel and chief privacy officer at ChoicePoint—has been new and challenging. And each has offered me tremendous opportunities to develop as a leader.

What I want to share with you today is that everything is possible. The sky is the limit. Throughout my career and all of the opportunities I have had, I have learned several lessons that I want to leave with you. They are part of the fabric of who I try to be as a leader.

(1) **Set your goals and achieve them.** Don't just talk about it—do it. In my current position, one of my performance objectives is being results oriented. At the end of the year, I don't get a bonus unless I have proved that I achieved the results.

(2) **Have integrity, loyalty, and trust.** If you don't have these things, you might as well just pack your bag and go home. These are the critical anchors that you must have whether you work in the private sector or the government.

(3) **Work hard.** No matter how high you rise, people look to see if you are working hard because it shows whether or not you care. To be a good leader, you can't just expect the people under you to work hard. You also have to work hard to set the example.

(4) **Make decisions.** You are going to make mistakes. I make them every day. I have made big ones along the way. But don't be scared to make a decision, as most will be good ones that will make things better.

(5) **Be flexible.** You have to bend to the climate where you work without losing integrity, loyalty, and trust. You must be flexible in today's world because it changes second by second with the rapid movement of information.

(6) **Be a team player.** When I came to my current company, they didn't know me. I was from the government, and there can be a bias against the government in the private sector. I had to show them that I was going to be a member of their team. No matter what position you hold in a company or the government, you have to show you want to be a team player.

(7) **Take care of others.** You must take care of your people. When somebody does something for you, do ten things for the next ten people. You win when the people that you support are doing well.

(8) **Be yourself.** Be true to who you are. Don't try to be somebody else. People know whether you are being sincere or phony. You must be true to your values too.

## THE SKY IS THE LIMIT

(9) **Learn how to delegate.** It can be hard, but good leaders delegate and trust their people. They also take responsibility when their people screw up.

(10) **Show dignity and respect for everyone.** This is tried and true in the Air Force. As leaders, you have to make sure that your people are being treated properly and they're not being abused by someone else, and that they are treating others with dignity, respect, and professionalism.

(11) **Admit mistakes.** This is a hard thing to do, but the best thing to do when you or your people make mistakes is to take responsibility. Be accountable. It disarms people. Instead of making excuses and finger pointing, just admit when you make a mistake. Then move on and fix the problem.

(12) **Look the part of a professional.** You may not have a choice of what uniform you wear, but you have a choice in how that uniform looks. How you present yourself really does make a difference in how others see you.

(13) **Laugh, have fun, and try to have a sense of humor.** This can be very difficult in your business. Lawyers and paralegals are magnets for all the problems, and all bad news seems to come to your desks. But try to laugh and have a sense of humor. You will live longer.

(14) **Push yourself beyond what you think you are capable of.** Whatever you are doing now is just the floor. Even if you think you can't do something, you can. Believe in yourself and step outside your comfort zone. As a leader, go to the next level. Do something you don't think you are capable of. Surprisingly enough, even though you'll likely make mistakes, you'll prove that you can do it.

(15) **Have passion.** Passion is the most important. You have to love what you're doing. You don't have to love what you do every minute of every day. That is unrealistic. But, having passion about what you do shows in your work, and shows to your coworkers, subordinates, and clients, and produces positive results.

Above and beyond everything else, know that anything is possible. Everything for us in the United States is possible, and that is primarily because of the

great country we live in and how you in the Air Force protect our freedom, our choices, and our liberties every day. I thank you again for everything you do for our country.



*Ms. Carol DiBattiste is General Counsel and Chief Privacy Officer for ChoicePoint, where she directs the company's legal activities and provides general legal advice to ChoicePoint's President and Chief Operating Officer and other company officials. She also oversees the company's customer credentialing processes and compliance. Ms. DiBattiste has served as Deputy Administrator for the Transportation Security Administration, and was a partner at Holland & Knight. She has also held positions as a deputy U.S. attorney, Principal Deputy General Counsel for the Department of the Navy, and as Director, Executive Office of the U.S. Attorneys for the Department of Justice. Ms. DiBattiste enlisted in the Air Force in 1971 and was commissioned in 1976. From 1981 to 1991, she served as a judge advocate in a variety of positions, including service as an instructor on the faculty of the Air Force JAG School and later held the position of Under Secretary of the Air Force.*

# SPOUSES CREATE UNITY AND COMMUNITY

Information. Interaction. Entertainment. Each of these played a key part in the JA Spouse Connection in Atlanta this year. At least 40 spouses participated in some aspect of this year's Spouse Connection, an event that began in 2005 at the first KEYSTONE. At this third annual event, more than one-third of the spouses were alumni of previous Spouse Connection events.

"The annual Spouse Connection has become a highlight that I look forward to each year," says Lynda Castro. "Aside from the fun activities that are scattered throughout the week, it has become a great source of information that I can bring back home and share with younger spouses in our office."

Created as a vehicle for spouses to strengthen their bonds with each other, their military partners, the JAG Corps, and the Air Force, the Spouse Connection helps spouses build relationships, exchange ideas, and learn about new resources that enhance the way of life for military families.

Those who attended Spouse Connection events increased their knowledge about programs, projects, and materials available through the Airmen and Family Readiness Centers, the National Military Family Association, the Military Child Education Coalition, and the Military Officers Association of America, all of which provided helpful packets and/or giveaways.

Participants also learned about military family-oriented legislative and policy initiatives, such as in-state tuition for dependents and spouses, and unemployment benefits for the working spouses of transferred military members, along with proposed pre-tax flexible spending accounts for childcare. Spouses also received and/or learned about various tools to help military families during deployments, such as specialized activity/coloring books and Elmo DVDs, free summer camps for children of deployed parents, and camouflage journals for middle schoolers and teens.



**MRS. JOY DUNLAP**

*We don't have to do great things or difficult things or things that require lots of time, money, and effort to make a difference. We can build community, one person at a time, just by caring about each person, connecting to them, and connecting them with each other.*

**– Joy Dunlap**



## SPOUSES CREATE UNITY AND COMMUNITY

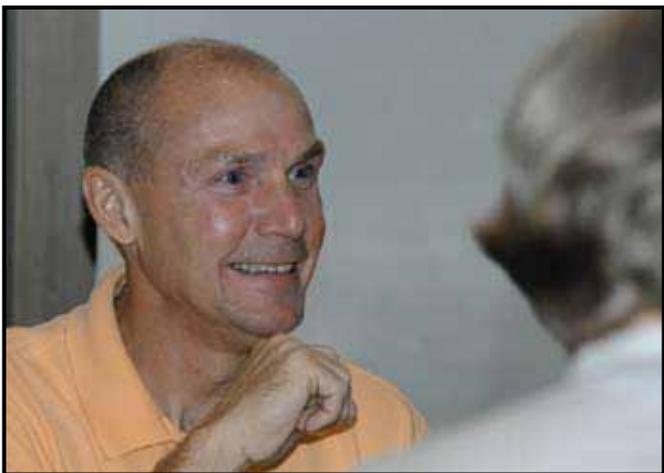


"I obtained a lot of information from the 'Informational Exchange' sessions, whether it was from handouts or from the different speakers we had," said Kate Bialke.

In addition to materials provided by military service organizations, JAG Corps spouses created helpful tip sheets full of suggestions about moving and entertaining, along with one containing helpful hints for newcomers. "It was filled with a lot of information to give to new JAG spouses," shared Bialke. "I wish I would have had a copy of that when we were new to the Air Force."

Exchange sessions among spouses allowed them to candidly discuss challenges, and to brainstorm and share programs and materials they've used with positive outcomes. "Getting ideas on how to support, encourage, and reach out to spouses in my husband's office—especially to the newcomers or those falling through the cracks," is one aspect of the Spouse Connection that Emily Pischnotte found valuable.

Spotlight Spouse Connection speaker Jeanine Hayden, wife of CIA Director and Air Force General



Mike Hayden, met with spouses to discuss her life as an Air Force and CIA spouse and to share ways that spouses get involved to create a community in the CIA.

"Jeanine Hayden was a great example of what Spouse Connection is all about. Her involvement with her husband's unit as well as her personal interests and involvements were a living testimony on how to support your spouse and keep your own interests alive," said Janet Dent. "She was able to relate to the trials and tribulations and the joys and excitement of being a military spouse," added Diane Laedlein.

Other specific Spouse Connection briefings also drew high praise. "(I) truly appreciated (Colonel) Tonya



*Mrs. Jeanine Hayden speaking with spouses at KEYSTONE*

Hagmaier's willingness to thoroughly explain the assignment process and the efforts put in to meeting a JAG's family needs, as well as career needs, whenever possible," said Dent. "The waiting game" has become much easier to bear since Tonya filled us all in on the complexities of matching individuals with their assignments. I have a much greater understanding—as well as respect—for the process," added Castro. A spouse-only briefing on the new claims process by Lieutenant Colonel Eric Bee provided answers to questions as well.



The ever-popular “TJAG Chat” was again a hit as Major General Jack Rives, The Judge Advocate General, gave spouses behind-the-scenes insight as he shared his vision and successes about the Corps. “Sitting in on the TJAG Chat gave me more of an understanding of the JAG Corps as a whole,” says Castro. “The chat was beneficial in that we were able to ask General Rives many questions that involved diverse areas of the JAG Corps.” Keeping up a three-year tradition, General Rives personally presented each attending spouse with a KEYSTONE coin, a handshake, and heartfelt thanks.

Like in previous years, spouses enjoyed the KEYSTONE plenary sessions, hearing stellar speakers

## SPOTLIGHT ON... A JAG CORPS SPOUSE VOLUNTEER

From January through October 2007, Ms. Cara Johnson, a licensed attorney and wife of Major Darrel Johnson, AFLOA/JACE, dedicated over six hundred pro bono hours through volunteer service at the 11th Wing legal office, Bolling Air Force Base, Washington D.C.

Ms. Johnson provided vital assistance at Bolling during manning shortages created by rightsizing cuts and deployments. She worked to preserve tenant rights and command law enforcement prerogatives in Bolling’s housing privatization initiative, and her analysis of legal support provided by the Bolling legal office to agencies in the National Capital Region (NCR) and worldwide convinced authorities to maintain current levels of service after the Joint Base Anacostia-Bolling stands up. For her efforts, she was honored as the 11th Wing Volunteer of the Quarter in 2nd Quarter 2007 and coined by the Deputy Judge



**MS. CARA JOHNSON**  
11 WG/JA  
BOLLING AFB, DC

Advocate General. She was also the 11th Wing nominee for the Joan Orr Spouse of the Year Award.

The driving force behind the 11th Wing Law Day program, Ms. Johnson spearheaded a visit to Howard Elementary School and a mock trial for home-schooled children at the Air Force Court of Criminal Appeals, the latter of which was featured in an Air

Force News article. Ms. Johnson worked with the Air Force Honor Guard to ensure their “Christmas Cheer for Children” program complied with applicable guidance while benefiting hundreds of local children. Ms. Johnson also orchestrated a first-ever, two-day commander and first sergeant seminar. The event was such an overwhelming success that the wing commander asked that she create a similar leadership seminar for company grade officers.

Ms. Johnson also volunteered in countless other efforts, including the 2007 NCR Annual Reserve Dinner, 2007 Combined Federal Campaign, and Black History Month Special Observances Committee, to name a few. In Ms. Johnson’s words, “I am very grateful for the opportunity to volunteer at the 11th Wing legal office. It was a fantastic opportunity to be involved with the unique mission here at Bolling. I was honored to be part of the team.”

## **SPOUSES CREATE UNITY AND COMMUNITY**

like CIA Director Mike Hayden and generational expert Mary Crane.

As much as spouses benefited from briefings, they also enjoyed exchanging ideas and spending time with each other. “As a civilian spouse, the best part of the Spouse Connection is, like the active duty spouses, the opportunity to meet and to reconnect with very interested, interesting, and well-versed people,” said Laedlein. “At each of the three Spouse Connections, I have been impressed with the integrity, the intensity, the knowledge, and talent of these men and women. Each session has been action-packed, and a bond of friendship and kinship kicks in quickly.”

The Spouse Connection draws a diverse group of active, Reserve, Guard, and civilian; male and female; officer and enlisted spouses. The annual get-together consists of spouses who work full-time, part-time, and at home, and even joint service and retired military spouses. As in previous years, even spouses stationed overseas were able to attend.

Spouses also got a chance to explore some of the Atlanta area together with organized excursions to

Americas Mart, the Margaret Mitchell home, and CNN. “The excursions were super!” said Laedlein. “The Americas Mart was unique and fun—and totally different from what I was expecting. The organized tours included very nice luncheons, with yet another opportunity to get to know the other spouses better.”

Whether meeting for organized luncheons, or impromptu ones, the men and women enjoyed getting together and getting to know each other. At the kickoff luncheon, when spouses were discussing their favorite bases and why, Deputy Judge Advocate



*Work hard, have fun, take care of your family, and make sure your people have fun and take care of their families.*

– Brig Gen Olan G. Waldrop, Jr., USAF (Ret.)





General Charlie Dunlap stopped by and got spouses laughing when, in answer to a question, he regaled them with stories about places he'd been stationed.

Individuals who assisted with the Spouse Connection included Linda Harding, Kathy Lepper, and Tom Hagmaier. Michelle Pennington, Lisa Kinlin, and Emily Pischnotte brought items to give away. Diane Laedlein contributed several red, white, and blue prayer shawls to be given away to families of deployed JAG Corps spouses. The tips, thoughts, and ideas shared among spouses made each participant a valuable contributor. "It was inspiring to be around everyone—it got me pumped up about being a JAG spouse!" said Pischnotte.

Other organizations that contributed items to make the Spouse Connection meaningful included DECA, AAFES, Bolling Air Force Base Services, the Air Force Aid Society, and the Air Force Band, along with several military spouse authors who donated their books.

The Spouse Connection doesn't end with KEYSTONE, however. It continues as spouses return to their homes and bases to share with others. This year, the "Touch 1: Connect 2" campaign encouraged spouses to reach out weekly to others in the JAG Corps family through get-togethers, phone, mail, or e-mail, to build community. Connect 2 helps build supportive networks as JAG Corps spouses introduce each other to those who share the same interests or live in the same area.

Of course, "Touch 1: Connect 2," like all spouse activities, is voluntary. That's why participation at Spouse Connection event is so remarkable. Without being funded or forced, JAG Corps spouses traveled

to Atlanta to learn about leadership, to discover more about the Air Force and the JAG Corps family, and to find out about programs and projects that exist for military families. They did so because they care. They care about their own families, the JAG Corps family, and the Air Force family. They care enough to find out about programs and resources that impact the quality of life for all military families, and to share them with others.

Plus, they are proud to be part of the team as a JAG Corps spouse. In thoughts submitted by those attending the Spouse Connection, spouses discussed the pride they feel. "I am proud to be an Air Force/JAG Corps spouse, because although I am not personally serving, I feel like we are serving together as a family" read one. Another said, "I know I am making a real contribution to the happiness and the stability of my family, my community, and my nation."



*Note: Spouses who didn't attend the Spouse Connection in Atlanta can still benefit by signing up for the free monthly independent e-letter just for JAG Corps spouses. More than 350 spouses now receive the note packed with information about quality of life issues and resources for military families. To get connected, send an e-mail to Joy Dunlap at [joyfulmkt@aol.com](mailto:joyfulmkt@aol.com); mention Spouse Connection in the subject line.*

*Mrs. Joy Dunlap created the JA Spouse Connection in 2005 as a way for spouses to interact with each other, obtain information about military family programs, share ideas, and increase awareness and connectivity to the JAG Corps and the Air Force. Dunlap, a writer, speaker, and marketing consultant, recently began work with the Military Officers Association of America as Deputy Director, Government Relations, for Military Family Issues.*



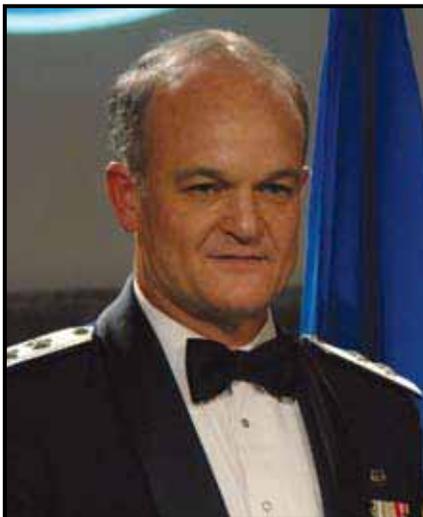
# THE JAG CORPS—LOOKING AHEAD

*The following remarks, which have been edited for this publication, were made by Major General Jack L. Rives at the KEYSTONE Leadership Summit on 26 October 2007.*

Our first Leadership Summit was held in Keystone, Colorado, in 2005. We've continued to use the name KEYSTONE for subsequent Summits at other locations because of what KEYSTONE represents. In architecture, it's the central stone in an arch that holds the other stones in place. And so it is with leadership in the JAG Corps. Your leadership is the keystone to position others to best achieve our Vision.

From the vista of KEYSTONE 2007, we look ahead. Our focus this week has been Living the Vision. To live the Vision, every member of our Corps must understand their vital role in the Air Force. The important work members of the JAG Corps do enables Air Force missions. We provide focused and dynamic legal capabilities for the United States Air Force. I ask you to carry the KEYSTONE spirit and to live the Vision as you return to your home bases.

KEYSTONE 2007 was organized around three themes: the times, the people, and the opportunities. It is the confluence of the times and the people that enables us to take best advantage of today's opportunities. Working in this environment, we can accomplish significant things for our Air Force.



**MAJ GEN  
JACK L. RIVES  
THE JUDGE ADVOCATE  
GENERAL**

## THE TIMES

A number of our KEYSTONE speakers discussed the times in which we're living. Dr. Lani Kass poignantly applied the phrase, "Freedom isn't free," to the JAG Corps. Members of the JAG Corps understand the price of freedom and are living that commitment. As Senator Graham noted, "You are the conscience of America."

You are making a real commitment and living the Vision in a time of great change. Mary Crane helped us appreciate generational challenges and corresponding leadership issues. Consider who you lead within the JAG Corps. Only ten percent of the active duty members of the JAG Corps were in our Corps sixteen years ago when Operation DESERT STORM commenced. More incredibly: fifty percent of our people have joined the JAG Corps since September 11, and about

one in five have joined since JAG Corps 21 concepts were approved 20 months ago.

When General Michael Hayden was asked about leadership lessons during his time at the National Security Agency, his answer reflected an awareness of the times, the people, and the opportunities for that organization. His advice—read the situation and then respond in a way that unleashes the potential of the organization—provides superb guidance for JAG Corps leaders.

## THE PEOPLE

Other speakers at KEYSTONE offered exceptional advice on the people we are leading. The Chief Master Sergeant of the Air Force explained that in earlier assignments, whenever a new Airman arrived at his unit, he would tell them directly, "I am your supervisor, and I will ensure that you are successful." That's what leaders do.



*Mary Crane*

## THE JAG CORPS—LOOKING AHEAD

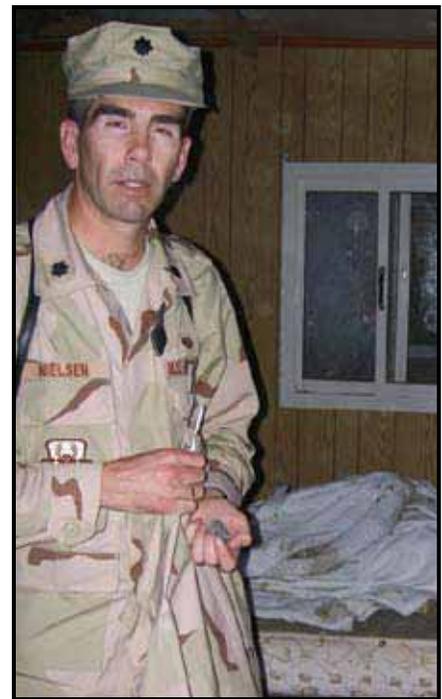
Remember the story I told in my opening about the cash register salesperson who couldn't sell a single cash register until his boss took it upon himself to go with him for a week to sell cash registers? He showed him how to do it. That salesperson—Tom Watson—later founded IBM. Take responsibility; show people how to do the job; don't label them a failure simply because they haven't done things just right. Good leaders find ways to make their people successful.

Some of our KEYSTONE speakers discussed the Warrior Ethos. Chief Master Sergeant Dillard-Bullock recited the Airman's Creed and challenged us to take

the items in his office and those he was wearing. He, of course, knew he was in harm's way. Why do members of the JAG Corps willingly put themselves in such situations? Because they understand that's what members of the JAG Corps are supposed to do.

### THE OPPORTUNITIES

Continued change is our reality. It's a constant, and it's occurring faster than ever before. Mahatma Gandhi noted, "You must be the change you wish to see in the world." Indeed, facing change requires leadership. JAG Corps leaders must see the change we want to implement in the JAG



*Lt Col Nielsen*

*I tried to empower others to do their jobs; to make decisions and to grow. I tried to encourage those I supervised to demonstrate initiative and innovation.*

— Maj Gen David C. Morehouse, USAF (Ret.)

it to heart. General Mark Welsh gave a number of exceptional examples. He told of an ensign who lost both legs while saving another sailor's life. When asked why he had done what he did, the ensign said, "I thought that's what officers were supposed to do."

Lieutenant Colonel Blake Nielsen is assigned to Headquarters, Air Force Space Command. In spring 2007, he was deployed in Baghdad when an incoming mortar exploded on his sleeping quarters and destroyed everything. Fortunately, Colonel Nielsen was in the office, working the long hours that people customarily work in the AOR. He was unharmed but was left with only

Corps and move people forward with a positive approach. Our challenge is to deliver legal capabilities to command and the warfighter more effectively.



*Maj Gen Welsh*

When we hosted Heritage to Horizons meetings earlier this year, I met with JAG Corps senior attorney leaders from the past. Likewise, Chief Dillard-Bullock hosted prior senior paralegal leaders. We explained how we're building on the foundation they provided, and we offered updates and solicited their questions, comments, and observations. They were extremely supportive and very pleased with the opportunities available today.

The JAG Corps 21 initiatives are dynamic. They are being refined as we move forward. Consider your JAG Corps duties just two years ago. Now, leap forward and consider how the structure for Air Force legal services has evolved. Let us know the areas that aren't as effective as they should be; help us make things better. We have great opportunities; the times are right; our people are right; and we can make the necessary

changes. We have reduced the old rigid hierarchy. We now have a flattened organization, featuring seamless reachback to the Field Support Centers.

A key to our JAG Corps 21 initiatives is that the local legal office remains the face of the JAG Corps. In other words, command and the warfighter will continue to seek legal advice and counsel from the same place as always: the base legal office. What has changed is the expert help available to support all levels of the JAG Corps through our Field Support Centers. Leveraging technology is imperative for these initiatives. We will use webcasts and training to make local legal offices more effective. And we need your help as we further refine our Action Officer handbooks.

**JAG CORPS PRIORITIES AND OBJECTIVES**

You need to understand our mission and vision as described in the Values and Vision document that members of the Corps created. That publication demonstrates how JAG Corps members take pride in what they do. No member of the JAG Corps should ever do something that causes them to say, “I didn’t do that the right way.” We should take pride in what we do because we live our Core Values, and we do things in accordance with our Guiding Principles of Wisdom, Valor, and Justice.

The times, the people, and the opportunities are shown in our JAG Corps priorities and objectives. We have refined these over the past year. The JAG Corps’ priorities and objectives

are consistent with the Air Force’s priorities, which are to win today’s fight on the Global War on Terror, take care of our people, and prepare for tomorrow’s challenges.

**Priority 1: Provide on-time, on-target, full-spectrum legal services for Air Force operations**

JAG Corps 21 is our model for transformation. The changes we are making are dramatic, they are significant, they are meaningful. And it is especially significant that, when all is said and done, the changes being made within our organization are transparent to those who are outside our organization. Commanders and Airmen throughout the Air Force know that when they have a legal issue or problem, their local JAG office is the place to go.

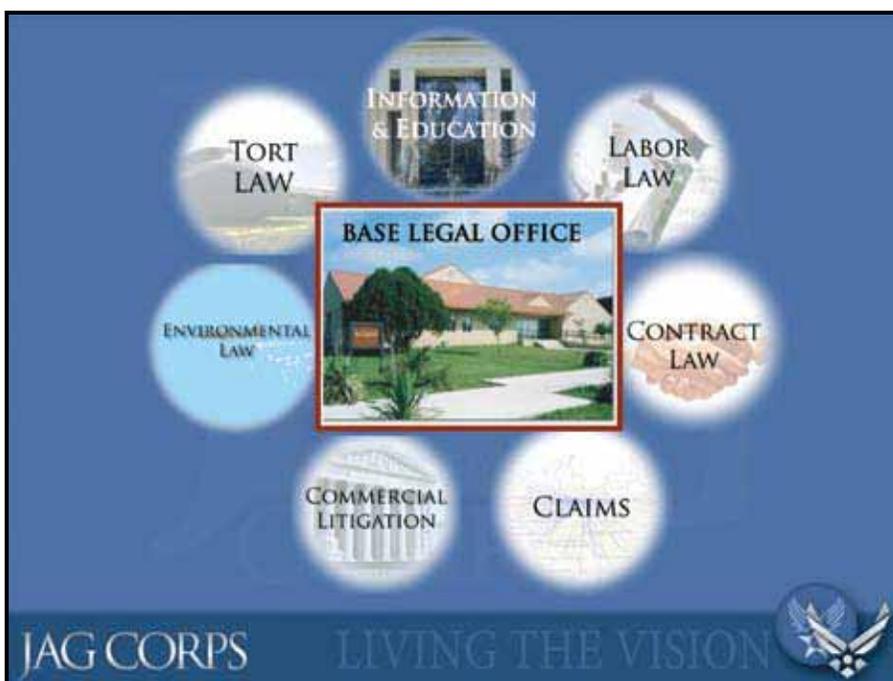
When the Chief of Staff gave us the opportunity to create what became the JAG Corps 21 initiatives, he told me, “I love the JAG Corps. But, if you had a clean sheet of paper, how would

you provide legal services in the 21st century?” We took advantage of that challenge. Within the JAG Corps, we know that “Rip Van JAG” today would see a dramatically different world than we had 20 months ago.

C<sup>2</sup> in the new JAG Corps has changed. In our flattened world, it is no longer the traditional “command and control,” but rather “communicate and collaborate.” We are communicating and working together effectively now, and we need to do so even better in the future.

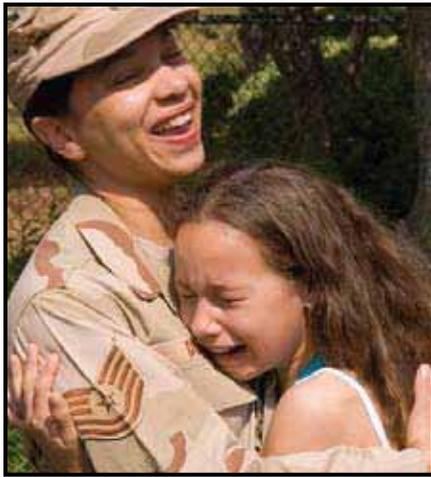
**Priority 2: Develop and care for Total Force legal professionals and their families**

Family contributions and support are critical. The JAG Corps Spouse Connection has done a great job helping family members understand where they fit in and helping us appreciate what our families do for us. Earlier this year, Technical Sergeant Carolyn Deal called her daughter Taylor



## THE JAG CORPS—LOOKING AHEAD

to wish her a happy birthday. Taylor thought that her mom had called because she was delayed in her return to Charleston Air Force Base from a deployment to Baghdad. But Sergeant Deal made a surprise appearance at Taylor's tenth birthday party. That homecoming reunion touched the local community and reminds us of the need to take care of our families.



*TSgt Deal reunites with her daughter*

In my opening remarks, I mentioned the story about major league umpire Bruce Froemming and how he said, "Every pitch is important to someone." That sentiment resounded in General Welsh's comments about Airman Elizabeth Jacobson, a young Airman at Goodfellow Air Force Base. She came from a rough background in Florida and was in the process of adopting her 15-year-old sister. The Goodfellow legal office, led by Lieutenant Colonel Melinda Davis-Perritano at the time, was helping Airman Jacobson get everything organized, so she could provide a better life for her sister. Before Airman Jacobson could complete the paperwork, she was

selected to deploy. Because of her situation, she could have gotten out of the deployment. But she took pride in serving and knew that her duty was to deploy.

Very sadly, Airman Jacobsen was killed in the AOR. But the JAG Family continued to help. Colonel Davis-Perritano put out word through our Reserve community that she needed help with the probate of Airman Jacobsen's will from a Florida attorney. Reserve Colonel Alisa James immediately volunteered and provided the assistance, pro bono. Colonel James, as I mentioned, has volunteered to deploy to Afghanistan in early 2008 on a one-year tour. Don't the actions of these Airmen make you stand a little taller?

### **Priority 3: Rapidly adapt our organization, manning, education, training, and legal information capabilities to surmount 21st century challenges through JAG Corps 21**

As we consider the JAG Corps' third priority, I again emphasize that we have not used paralegals as effectively as we could have through the years. It is absolutely critical for us to make better use of our paralegals. Let's do this much better.

In October 2007, we put out new guidance to optimize the utilization of our paralegal force. Leaders in the JAG Corps must create the right environment for them to thrive. Unless a "new idea" involves the unauthorized practice of law, or there's another substantive reason to oppose it, I urge you to support initiatives to

use paralegals in ways we have not in the past. And when a local initiative works well, please cross feed that good idea so we can all benefit.

We must adapt to 21st century challenges. We need your ideas. We need your creativity and innovation. In the coming months, we will make the application of JAG Corps 21 initiatives to the installation level more clear. During the early stages of JAG Corps 21, many of the initiatives applied primarily at the headquarters level. We needed to provide top-down focus, so people could see the opportunities under JAG Corps 21. Now it is up to you, at all levels of the Total Force Air Force, to help us get it right. We don't have all the answers inside the Beltway. We need you to help design and build a concept that that will be even better for the future.



*T/JAG in the Halloween spirit at KEYSTONE*

We've talked about the power of a positive attitude. Technical Sergeant Laura Harmon was chosen as a nonvolunteer for the Claims Service Center. She moved on Christmas Eve of 2006. Her daughter joined her in the

move, which came in her senior year of high school. Sergeant Harmon could have complained. But instead, she made the best of the situation. She showed the qualities of our top NCOs as she helped create the Fly Away Claims Team. When we held the official ribbon-cutting opening of the center with Secretary Wynne in March 2007, she demonstrated her Fly Away Claims Team concept and equipment. She got the best technology and had a superb vision of how to implement the plans. The Secretary was impressed, and I was very proud of her initiative.

Just over one month later, we experienced the fire in New Jersey at the Warren Grove Range, which put the Fly Away Claims Team and Sergeant Harmon's efforts to the test. The immediate response and rapid augmentation by the Fly Away Claims Team to create a remote claims office helped turn the tide for what had been a very bad story for the Air Force into a positive story. Working from the Claims Service Center, Sergeant Harmon provided reachback to the Fly Away Claims Team and others on the ground at Warren Grove and McGuire Air Force Base, and her positive attitude helped set the tone for success.

At the annual awards dinner last evening, Secretary Wynne again complimented the JAG Corps on our incredibly successful Claims Service Center. He often mentions it as the epitome of his Air Force Smart Operations for the 21st Century initiatives.

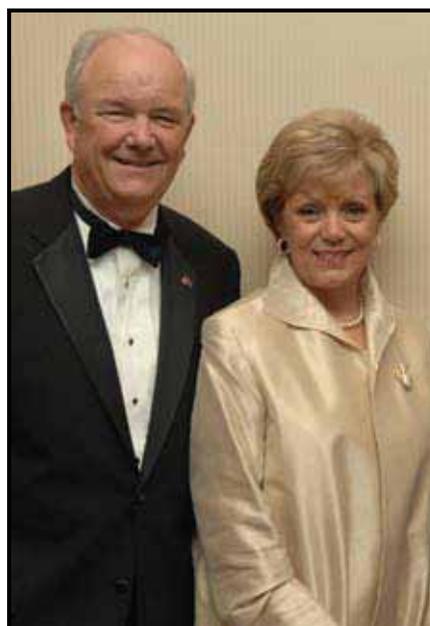
The times and our people provide incredible opportunities—right



*Members of the 305 AMW legal team and the Fly Away Claims Team, Warren Grove Range*

now—for the JAG Corps. I can't tell you exactly where we're going to be a year or five years from now. We don't have all the answers. JAG Corps 21 is not perfect. But, I have faith in the ability of you and others in the JAG Corps to keep making it better and more effective.

We will not fail. Live up to your capabilities. Be a leader. You will transform the JAG Corps.



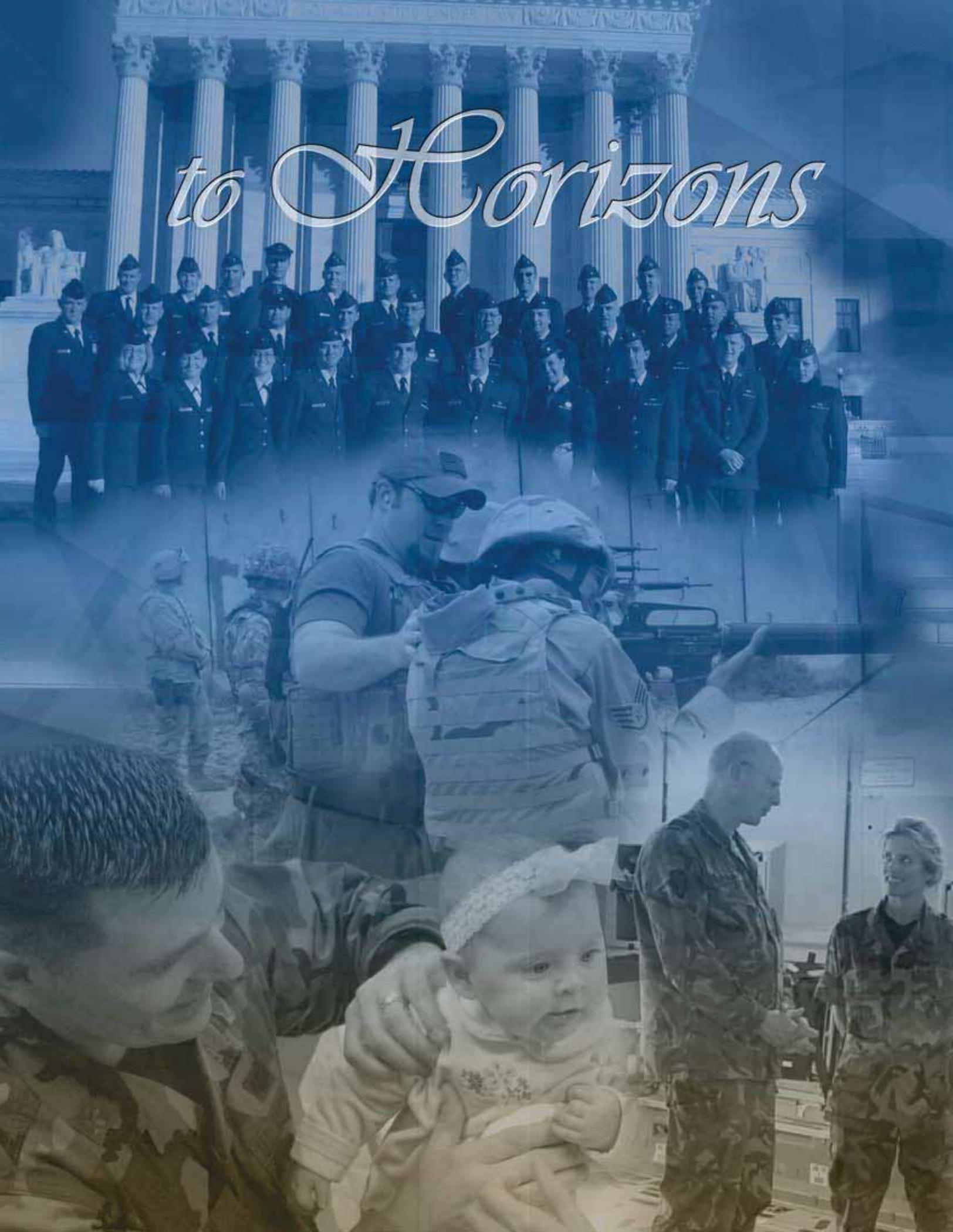
*Secretary and Mrs. Wynne*

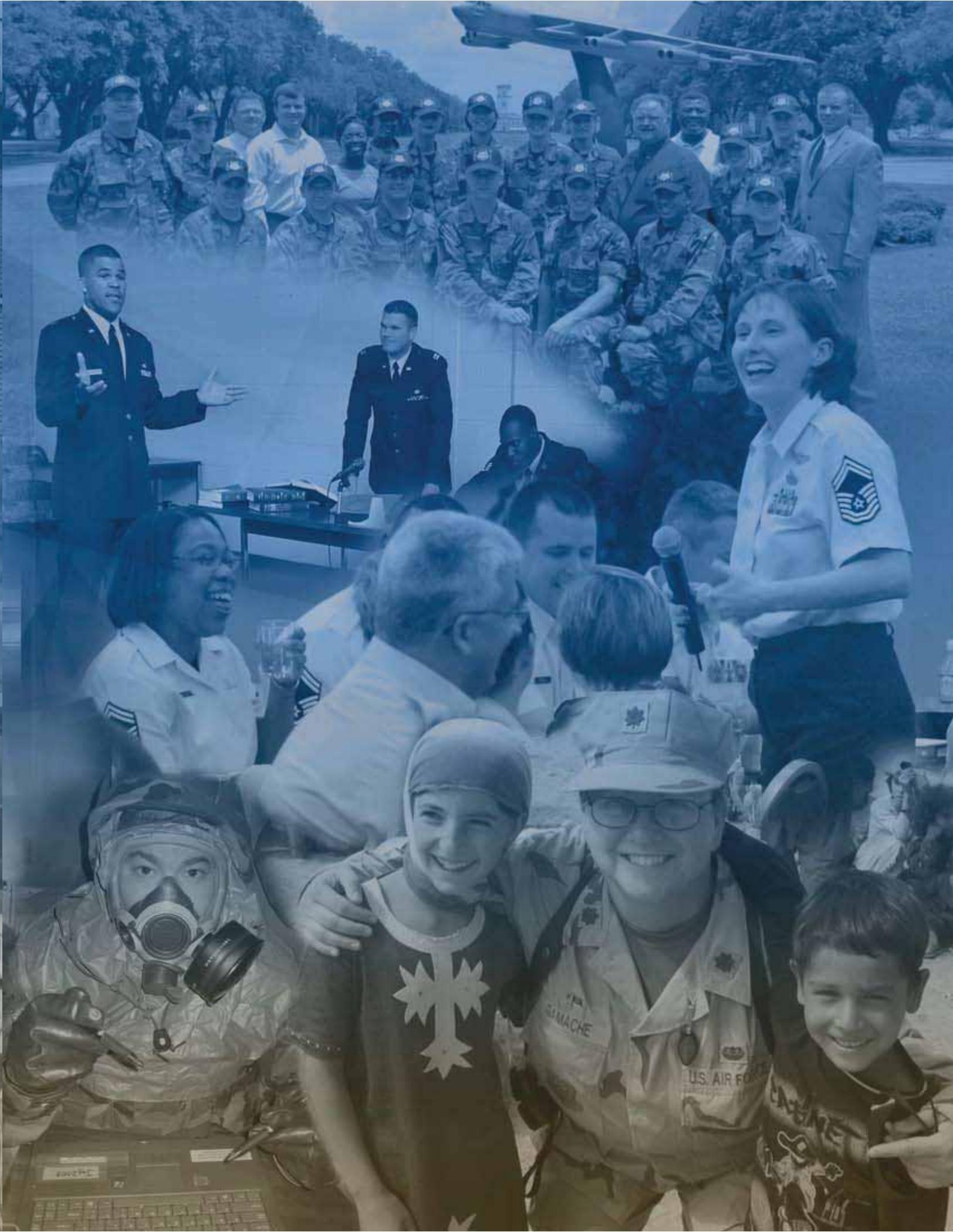
Last evening, I administered the oath of enlistment to Technical Sergeant Dawn Wolfe, our Swigonski Award winner, as she committed to another term of service. The enlistment oath is especially meaningful for members of the JAG Corps, featuring such language as, "I will obey the orders...according to regulations and the Uniform Code of Military Justice." All of us have taken a solemn oath, and that oath provides ideal guidance for our service.

Live up to your commitment and your promise, and live by our Air Force Core Values of Integrity First, Service Before Self, and Excellence in All We Do. Act according to our JAG Corps Guiding Principles of Wisdom, Valor, and Justice.

Right now, we have a perfect sunrise in the JAG Corps. Our JAG Corps 21 initiatives are well established, and the best is yet to come. The times and our people are most opportune. Seize the moment...lead and live the Vision!

# *to Horizons*







AFJAGS PRESS  
THE JUDGE ADVOCATE GENERAL'S SCHOOL  
150 CHENNAULT CIRCLE  
MAXWELL AIR FORCE BASE, AL 36112-6418